

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

June 28, 1999 – Offered by Representatives JENSEN, FOTI and GARD.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 3, line 1: delete lines 1 to 6.

3 **2.** Page 4, line 1: delete the material beginning with that line and ending with
4 page 5, line 6.

5 **3.** Page 6, line 7: after that line insert:

6 “**SECTION 1jm.** 7.15 (2) (d) of the statutes is amended to read:

7 7.15 (2) (d) Whenever the governing body of any municipality submits any
8 question to a vote of the electors or whenever a proper recall petition and certificate
9 are filed under s. 9.10, the municipal clerk shall issue a call for the election and
10 prepare and distribute ballots as required in the authorization of submission or as
11 provided in s. 9.10. The date of the referendum shall be established in accordance
12 with s. 8.065, and shall be fixed by the municipal clerk or board of election

1 commissioners unless otherwise provided by law or unless the governing body fixes
2 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already
3 an official municipal referendum ballot for the election, the question may appear on
4 the same ballot.

5 **SECTION 1jn.** 8.05 (3) (d) and (e) of the statutes are amended to read:

6 **8.05 (3) (d)** The question of adoption of the nonpartisan primary under this
7 subsection may be submitted to the electors at any ~~regular election~~ authorized under
8 s. 8.065 held in the town ~~or at a special election called for the purpose.~~ When a
9 petition conforming to the requirements of s. 8.40 signed by at least 20 electors of the
10 town is filed with the town clerk so requesting, the question shall be submitted to a
11 vote.

12 (e) Petitions requesting a vote on the question at a regular town election shall
13 be filed no later than 5 p.m. the last Tuesday in February. When the petition is filed,
14 the clerk shall check its sufficiency. ~~Whether at a regular or special election, the~~ The
15 clerk shall give separate notice by one publication in a newspaper at least 5 days
16 before the election.

17 **SECTION 1jo.** 8.06 of the statutes is amended to read:

18 **8.06 Special elections may be called.** Towns, cities, villages and school
19 districts may call special elections for any purpose whenever such action is
20 authorized or required by law. If an election is called for a special referendum, the
21 election shall be called and noticed under as provided in s. 8.55.

22 **SECTION 1jp.** 8.065 of the statutes is created to read:

23 **8.065 Scheduling of referenda. (1)** In this section, “local governmental
24 unit” has the meaning given in s. 16.97 (7).

1 **(2)** Unless otherwise required by law or unless authorized under sub. (3), a
2 referendum held by any local governmental unit that is authorized or required by
3 law to hold a referendum may only be held concurrently with the spring primary,
4 spring election, September primary or general election, or on the first Tuesday after
5 the first Monday of November of an odd-numbered year. Unless otherwise required
6 by law or unless authorized under sub. (3), no referendum submitted by the same
7 local governmental unit relating to substantially similar subject matter or relating
8 to authorization for the borrowing of money may be held more than once in any
9 12-month period.

10 **(3)** If a local governmental unit wishes to hold a special referendum on a date
11 that is not concurrent with an election specified in s. 5.02 (5), (18), (21) or (22) or on
12 a date other than the first Tuesday after the first Monday in November of an
13 odd-numbered year, the local governmental unit may petition the referendum
14 appeal board for a determination that an emergency exists with respect to a
15 particular question. The referendum appeal board shall make a determination
16 within 10 days after receipt of a petition under this subsection. If the referendum
17 appeal board finds, with the concurrence of at least 4 members, that an emergency
18 exists which requires a special referendum to be held by a local governmental unit
19 on a date that is not concurrent with an election specified in s. 5.02 (5), (18), (21) or
20 (22) or on a date other than the first Tuesday after the first Monday in November of
21 an odd-numbered year, the board may permit a referendum relating to the question
22 specified in the petition to be held on a date determined by the local governmental
23 unit.

24 **SECTION 1jq.** 9.20 (4) of the statutes is amended to read:

1 9.20 (4) The common council or village board shall, without alteration, either
2 pass the ordinance or resolution within 30 days following the date of the clerk's final
3 certificate, or submit it to the electors at the next ~~spring or general~~ election
4 authorized under s. 8.065, if the election is more than 6 weeks after the date of the
5 council's or board's action on the petition or the expiration of the 30-day period,
6 whichever first occurs. If there are 6 weeks or less before the election, the ordinance
7 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or
8 an election authorized under s. 8.065 (3) thereafter. ~~The council or board by a~~
9 ~~three-fourths vote of the members-elect may order a special election for the purpose~~
10 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~
11 ~~more than one special election for direct legislation may be ordered in any 6-month~~
12 ~~period."~~

13 **4.** Page 7, line 17: after that line insert:

14 “**SECTION 1w.** 13.123 (3) (a) of the statutes is amended to read:

15 13.123 (3) (a) Any senator authorized by the committee on senate organization
16 to attend a meeting outside the state capital, any representative to the assembly
17 authorized by the committee on assembly organization to attend an out-of-state
18 meeting or authorized by the speaker to attend a meeting within this state outside
19 the state capital, and all members of the legislature required by law, legislative rule,
20 resolution or joint resolution to attend such meetings, shall be paid no additional
21 compensation for such services but shall be reimbursed for actual and necessary
22 expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may
23 be reimbursed under this subsection for expenses on any day for which the legislator

1 submits a claim under sub. (1). ~~Any expenses incurred by a legislator under s. 14.82~~
2 ~~shall be reimbursed from the appropriation under s. 20.315 (1) (q).~~

3 **SECTION 1y.** 13.45 (3) (a) of the statutes is amended to read:

4 13.45 (3) (a) For any day for which the legislator does not file a claim under s.
5 13.123 (1), any legislator appointed to serve on a legislative committee or a
6 committee to which the legislator was appointed by either house or the officers
7 thereof shall be reimbursed from the appropriations under ~~ss. 20.315 (1) (q) and s.~~
8 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the
9 committee.”.

10 **5.** Page 8, line 2: after that line insert:

11 **“SECTION 2rm.** 13.48 (10) (a) of the statutes is amended to read:

12 13.48 (10) (a) No state board, agency, officer, department, commission or body
13 corporate may enter into a contract for the construction, reconstruction, remodeling
14 of or addition to any building, structure, or facility, which involves a cost in excess
15 of \$100,000, without completion of final plans and arrangement for supervision of
16 construction and prior approval by the building commission. ~~The building~~
17 ~~commission may not approve a contract for the construction, reconstruction,~~
18 ~~renovation or remodeling of or an addition to a state building as defined in s. 44.51~~
19 ~~(2) unless it determines that s. 44.57 has been complied with or does not apply. This~~
20 section applies to the department of transportation only in respect to buildings,
21 structures and facilities to be used for administrative or operating functions,
22 including buildings, land and equipment to be used for the motor vehicle emission
23 inspection and maintenance program under s. 110.20.”.

1 **6.** Page 8, line 20: delete “or all of s. 16.855” and substitute “~~or all~~ provision
2 of s. 16.855 except s. 16.855 (14m)”.

3 **7.** Page 12, line 7: delete “\$1,106,400” and substitute “\$5,531,900”.

4 **8.** Page 12, line 21: delete “\$280,000” and substitute “\$1,400,000”.

5 **9.** Page 13, line 7: delete “\$350,000” and substitute “\$1,750,000”.

6 **10.** Page 15, line 13: after that line insert:

7 “**SECTION 3im.** 13.48 (33) of the statutes is created to read:

8 13.48 **(33)** SWISS CULTURAL CENTER. (a) The building commission may authorize
9 up to \$1,000,000 in general fund supported borrowing to aid in the construction of
10 a Swiss cultural center in the village of New Glarus. The state funding commitment
11 under this paragraph shall be in the form of a grant to an organization known as the
12 Swiss Cultural Center. Before approving any such state funding commitment, the
13 building commission shall determine that the organization known as the Swiss
14 Cultural Center has secured additional funding at least equal to \$2,000,000 from
15 nonstate donations for the purpose of constructing a Swiss cultural center in the
16 village of New Glarus.

17 (b) If the building commission authorizes a grant to the organization known as
18 the Swiss Cultural Center under par. (a) and if, for any reason, the facility that is
19 constructed with funds from the grant is not used as a Swiss cultural center in the
20 village of New Glarus, the state shall retain an ownership interest in the facility
21 equal to the amount of the state’s grant.”.

22 **11.** Page 19, line 12: after that line insert:

23 “**SECTION 4m.** 13.94 (1) (p) of the statutes is created to read:

1 13.94 (1) (p) No later than January 1, 2008, prepare a program evaluation audit
2 of the private employer health care coverage program established under subch. X of
3 ch. 40. The legislative audit bureau shall file a copy of the audit report under this
4 paragraph with the distributees specified in par. (b).

5 **SECTION 4r.** 13.94 (1) (p) of the statutes, as created by 1999 Wisconsin Act
6 (this act), section 4m, is repealed.”.

7 **12.** Page 20, line 10: after that line insert:

8 “**SECTION 7m.** 14.035 of the statutes is renumbered 14.035 (1) and amended to
9 read:

10 14.035 (1) The Subject to sub. (2), the governor may, on behalf of this state,
11 enter into any compact that has been negotiated under 25 USC 2710 (d).

12 **SECTION 7n.** 14.035 (2) of the statutes is created to read:

13 14.035 (2) Before entering into any compact negotiated under sub. (1), the
14 governor shall submit the proposed compact to the legislature for approval. The
15 governor may not enter into any compact until the legislature approves the compact
16 by joint resolution. If the legislature does not approve without change the proposed
17 compact, the proposed compact shall be returned to the governor for renegotiation.

18 **SECTION 7q.** 14.037 of the statutes is created to read:

19 **14.037 Indian gaming on lands taken into trust after October 17, 1988.**

20 The governor may not concur with the determination of the U.S. secretary of the
21 interior, as described in 25 USC 2719 (b) (1) (A), that a gaming establishment
22 proposed to be located on lands acquired by the U.S. secretary of the interior in trust
23 for the benefit of an Indian tribe after October 17, 1988, would not be detrimental to

1 the surrounding community unless the legislature approves the proposed gaming
2 establishment by joint resolution.”.

3 **13.** Page 20, line 10: after that line insert:

4 “**SECTION 6g.** 13.94 (8) of the statutes is created to read:

5 13.94 (8) COUNTY AND MUNICIPAL BEST PRACTICES REVIEWS. (a) In this subsection,
6 “municipality” means a city, village or town.

7 (b) The state auditor shall undertake periodic reviews to:

8 1. Examine the procedures and practices used by counties and municipalities
9 to deliver governmental services.

10 2. Determine the methods of governmental service delivery.

11 3. Identify variations in costs and effectiveness of such services between
12 counties and municipalities.

13 4. Recommend practices to save money or provide more effective service
14 delivery.

15 (c) The state auditor shall determine the frequency, scope and subject of any
16 reviews conducted under par. (b).

17 (d) To assist the state auditor with the selection of county and municipal
18 practices to be reviewed by the auditor, the auditor shall establish an advisory
19 council consisting of the following members appointed by the auditor:

20 1. Two members chosen from among 6 names submitted by the Wisconsin
21 Counties Association.

22 2. One member chosen from among 3 names submitted by the League of
23 Wisconsin Municipalities.

1 3. One member chosen from among 3 names submitted by the Wisconsin
2 Alliance of Cities.

3 4. One member chosen from among 3 names submitted by the Wisconsin Towns
4 Association.

5 (e) The members of the council appointed under par. (d) shall serve without
6 compensation.”.

7 **14.** Page 21, line 5: delete lines 5 to 11 and substitute:

8 “**SECTION 12h.** 14.82 of the statutes is repealed.”.

9 **15.** Page 21, line 12: delete the material beginning with that line and ending
10 with page 22, line 10.

11 **16.** Page 22, line 10: after that line insert:

12 “**SECTION 13m.** 15.03 of the statutes is amended to read:

13 **15.03 Attachment for limited purposes.** Any division, office, commission,
14 council or board attached under this section to a department or independent agency
15 or a specified division thereof shall be a distinct unit of that department, independent
16 agency or specified division. Any division, office, commission, council or board so
17 attached shall exercise its powers, duties and functions prescribed by law, including
18 rule making, licensing and regulation, and operational planning within the area of
19 program responsibility of the division, office, commission, council or board,
20 independently of the head of the department or independent agency, but budgeting,
21 program coordination and related management functions shall be performed under
22 the direction and supervision of the head of the department or independent agency,
23 except that with respect to the office of the commissioner of railroads, all personnel
24 and biennial budget requests by the office of the commissioner of railroads shall be

1 provided to the department of transportation as required under s. 189.02 (7) and
2 shall be processed and properly forwarded by the public service commission without
3 change except as requested and concurred in by the office of the commissioner of
4 railroads.”.

5 **17.** Page 22, line 18: after that line insert:

6 “**SECTION 14p.** 15.07 (1) (b) 22. of the statutes is created to read:

7 15.07 (1) (b) 22. Private employer health care coverage board.

8 **SECTION 14r.** 15.07 (1) (b) 22. of the statutes, as created by 1999 Wisconsin Act
9 (this act), section 14p, is repealed.”.

10 **18.** Page 24, line 9: after that line insert:

11 “**SECTION 28c.** 15.165 (5) of the statutes is created to read:

12 15.165 (5) PRIVATE EMPLOYER HEALTH CARE COVERAGE BOARD. (a) There is created
13 in the department of employe trust funds a private employer health care coverage
14 board consisting of the secretary of employe trust funds or his or her designee, the
15 secretary of health and family services or his or her designee and the following
16 members appointed for 3–year terms:

17 1. One member who represents health maintenance organizations.

18 2. One member who represents hospitals.

19 3. One member who represents insurance agents, as defined in s. 628.02 (4).

20 4. Two members who are employes eligible to receive health care coverage
21 under subch. X of ch. 40 and whose employer employs not more than 50 employes.

22 5. One member who represents insurers.

1 6. Two members who are, or who represent, employers that employ not more
2 than 50 employes and who are eligible to offer health care coverage under subch. X
3 of ch. 40.

4 7. One member who is a physician, as defined in s. 448.01 (5).

5 8. Two members who represent the public interest.

6 (b) The secretary of employe trust funds or his or her designee and the secretary
7 of health and family services or his or her designee shall be nonvoting members.

8 **SECTION 28r.** 15.165 (5) of the statutes, as created by 1999 Wisconsin Act
9 (this act), section 28c, is repealed.”.

10 **19.** Page 24, line 9: after that line insert:

11 “**SECTION 30a.** 15.183 (2) of the statutes is amended to read:

12 15.183 **(2)** ~~DIVISION OF SAVINGS AND LOAN~~ INSTITUTIONS. There is created a
13 division of savings ~~and loan~~ institutions. Prior to July 1, 2000, the division is
14 attached to the department of financial institutions under s. 15.03. After June 30,
15 2000, the division is created in the department of financial institutions. The
16 administrator of the division shall be appointed outside the classified service by the
17 secretary of financial institutions and shall serve at the pleasure of the secretary.”.

18 **20.** Page 24, line 9: after that line insert:

19 “**SECTION 3g.** 15.195 (6) of the statutes is amended to read:

20 15.195 **(6)** BOARD ON HEALTH CARE INFORMATION. There is created a board on
21 health care information which is attached to the department of health and family
22 services under s. 15.03. The board shall consist of 11 members, one of whom shall
23 be a record administrator, registered by the American Medical Record Association,
24 ~~and~~; 5 of whom shall be or represent health care providers, including one registered

1 nurse, licensed under s. 441.06, and 2 physicians, as defined in s. 448.01 (5); 2 of
2 whom shall represent hospitals, as defined in s. 50.33 (2); and at least 2 of whom shall
3 be employer purchasers of health care. The State Medical Society of Wisconsin may
4 recommend board membership for 5 physicians, one of whom the governor shall
5 appoint. The members shall be appointed for 4–year terms.

6 **SECTION 30r.** 15.195 (9) of the statutes is created to read:

7 15.195 (9) PRIVACY INSTITUTIONAL REVIEW BOARD. There is created a privacy
8 institutional review board that is attached to the department of health and family
9 services under s. 15.03. The board may not include an employe of the department
10 of health and family services and shall consist of the commissioner of insurance or
11 his or her designee and the following members appointed for 4–year terms:

12 (a) A statistician or researcher.

13 (b) A medical ethicist of the University of Wisconsin System or the Medical
14 College of Wisconsin.

15 (c) An expert in issues relating to privacy.

16 (d) A purchaser of health care.”.

17 **21.** Page 28, line 6: after that line insert:

18 “**SECTION 37k.** 15.406 (4) of the statutes is created to read:

19 15.406 (4) ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD. There is created
20 in the department of regulation and licensing, attached to the medical examining
21 board, an athletic trainers affiliated credentialing board consisting of the following
22 members appointed for 4–year terms:

23 (a) Four athletic trainers who are licensed under subch. VI of ch. 448 and who
24 have not been issued a credential in athletic training by a governmental authority

1 in a jurisdiction outside this state. One of the athletic trainer members may also be
2 licensed under ch. 446 or 447 or subch. II, III or IV of ch. 448.

3 (b) One member who is licensed to practice medicine and surgery under subch.
4 II of ch. 448 and who has experience with athletic training and sports medicine.

5 (c) One public member.”.

6 **22.** Page 28, line 6: after that line insert:

7 “**SECTION 37j.** 15.377 (1) of the statutes is repealed and recreated to read:

8 15.377 (1) BLIND AND VISUAL IMPAIRMENT EDUCATION COUNCIL. (a) *Definition.* In
9 this subsection, “visually impaired” has the meaning given in s. 115.51 (4).

10 (b) *Creation.* There is created a blind and visual impairment education council
11 in the department of public instruction.

12 (c) *Members.* The blind and visual impairment education council shall consist
13 of the following members, at least one of whom has been certified by the library of
14 congress as a braille transcriber, appointed by the state superintendent for 3-year
15 terms:

16 1. Three parents of children who are visually impaired.

17 2. Three persons who are members of an organization affiliated with persons
18 who are visually impaired.

19 3. Three licensed teachers, one of whom is a teacher of the visually impaired,
20 one of whom is an orientation and mobility teacher and one of whom is a general
21 education teacher.

22 4. One school board member.

23 5. One school district administrator.

24 6. One school district special education director.

1 7. One cooperative educational service agency representative.

2 8. One person who has experience in educating the visually impaired or in
3 educating teachers of the visually impaired and is affiliated with an institution of
4 higher education.

5 9. Three other members, at least one of whom is visually impaired.”.

6 **23.** Page 28, line 6: after that line insert:

7 “**SECTION 37m.** 15.467 (5) of the statutes is created to read:

8 15.467 **(5)** COUNCIL ON RAILROAD GRADE CROSSINGS. There is created in the
9 department of transportation a council on railroad grade crossings. The council shall
10 consist of 3 members appointed by the secretary of transportation, at least one of
11 whom has expertise in railroad matters and is not employed by the department, and
12 2 members appointed by the commissioner of railroads. Members shall serve at the
13 pleasure of the appointing authority.”.

14 **24.** Page 28, line 14: after that line insert:

15 “**SECTION 39m.** 15.615 of the statutes is created to read:

16 **15.615 Same; attached boards. (2)** REFERENDUM APPEAL BOARD. There is
17 created a referendum appeal board which is attached to the elections board under
18 s. 15.03. The board shall consist of the governor, the senate majority leader, the
19 senate minority leader, the speaker of the assembly and the assembly minority
20 leader or the designees of these persons. Members of the board shall serve for
21 indefinite terms.”.

22 **25.** Page 28, line 24: delete the material beginning with that line and ending
23 with page 30, line 13, and substitute:

1 **“15.98 Public broadcasting transitional board; creation. (1)** In this
2 section:

3 (a) “Broadcasting corporation” has the meaning given in s. 39.81 (2).

4 (b) “Friends group” has the meaning given in s. 39.81 (5).

5 **(2)** There is created a public broadcasting transitional board consisting of the
6 following members:

7 (a) The secretary of administration or his or her designee.

8 (b) The state superintendent of public instruction or his or her designee.

9 (c) The president of the University of Wisconsin System or his or her designee.

10 (e) The president of the Wisconsin Association of Independent Colleges and
11 Universities or his or her designee.

12 (f) The district director specified in s. 38.12 (3) (a) 1. of the Milwaukee Area
13 Technical College district or his or her designee.

14 (g) One member of each house of the legislature from the political party with
15 the most members in that house, appointed as are members of standing committees.

16 (h) One member of each house of the legislature from the political party with
17 the 2nd most members in that house, appointed as are members of standing
18 committees.

19 (i) Two members appointed by the governor. The Wisconsin Public Radio
20 Association may submit a list of 4 nominees for the governor to consider in making
21 the appointments under this paragraph. The governor may not appoint a member
22 under this paragraph unless the member’s name is on the list or the member is a
23 member of the Wisconsin Public Radio Association.

24 (j) Three members appointed by the governor. A friends group organized to
25 raise funds for Wisconsin Public Television may submit a list of 6 nominees for the

1 governor to consider in making the appointments under this paragraph. The
2 governor may not appoint a member under this paragraph unless the member's
3 name is on the list or the member is a member of such a friends group.

4 (k) Five members appointed by the governor. A friends group organized to raise
5 funds for Milwaukee Public Television may submit a list of 10 nominees for the
6 governor to consider in making the appointments under this paragraph. The
7 governor may not appoint a member under this paragraph unless the member's
8 name is on the list or unless the member is a member of such a friends group.

9 (L) One member appointed by the governor who is a representative of public
10 elementary and secondary schools.

11 (3) The appointment of the members specified in sub. (2) is subject to senate
12 confirmation, except for the appointment of a member who holds an office specified
13 in sub. (2) that is subject to senate confirmation and except for the members specified
14 in sub. (2) (b), (g) and (h).

15 (5) This section does not apply beginning on the date determined by the
16 secretary of administration under s. 39.88 (3).".

17 **26.** Page 33, line 4: after that line insert:

18 "SECTION 43n. 16.15 (1) (ae) of the statutes is amended to read:

19 16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~
20 ~~in s. 287.11 (2m) (a) 1.~~ means the gross cost of transferring processed material to a
21 solid waste disposal facility and disposing of the processed material in the facility.
22 including any disposal costs not paid through fees charged by the facility.

23 SECTION 44p. 16.15 (1) (ah) of the statutes is amended to read:

1 16.15 (1) (ah) “Cost of selling processed material” ~~has the meaning given in s.~~
2 ~~287.11 (2m) (a) 2.~~ means the net cost, including any storage costs, of selling processed
3 material to a broker, dealer or manufacturing facility, plus any cost of transporting
4 the processed material from the waste processing facility to the destination specified
5 by the broker, dealer or manufacturing facility.

6 **SECTION 43q.** 16.15 (1) (ar) of the statutes is amended to read:

7 16.15 (1) (ar) “Processed material” ~~has the meaning given in s. 287.11 (2m) (a)~~
8 ~~3.~~ means a component of solid waste that has been collected, transported to a waste
9 processing facility and prepared for sale to a broker, dealer or manufacturer.

10 **SECTION 43s.** 16.15 (3) (a) 3. of the statutes is amended to read:

11 16.15 (3) (a) 3. Separate for recycling at least 50% of each of the materials listed
12 in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997 stats., that is generated as solid
13 waste by the agency or authority beginning on January 1, 1993, and such greater
14 amount of such materials as the department determines is reasonably feasible
15 beginning on January 1, 1995.”.

16 **27.** Page 43, line 7: after that line insert:

17 “**SECTION 65d.** 16.385 (7) of the statutes is amended to read:

18 16.385 (7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No
19 payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison
20 under s. 302.01 or to a person placed at a secured correctional facility, as defined in
21 s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g),
22 or a secured group home, as defined in s. 938.02 (15p).”.

23 **28.** Page 44, line 1: delete lines 1 to 19.

24 **29.** Page 44, line 19: after that line insert:

1 “**SECTION 70m.** 16.50 (5m) of the statutes is amended to read:

2 16.50 **(5m)** UNIVERSITY INDIRECT COST REIMBURSEMENTS. Subsections (2) to (5)
3 do not apply to expenditures authorized under s. 20.285 (2) (i) ~~2.~~”.

4 **30.** Page 51, line 20: after that line insert:

5 “**SECTION 105e.** 16.853 of the statutes is created to read:

6 **16.853 Grant to Heritage Military Music Foundation.** If the Heritage
7 Military Music Foundation requests the department to review an estimate of the cost
8 of improvements to its building in the city of Watertown, the department shall review
9 the estimate. If the department approves the estimate, the department shall provide
10 a grant to the foundation in the amount of \$85,300 for the purpose of making
11 improvements to that building.

12 **SECTION 105f.** 16.853 of the statutes, as created by 1999 Wisconsin Act (this
13 act), is repealed.”.

14 **31.** Page 51, line 20: after that line insert:

15 “**SECTION 105e.** 16.854 (3) of the statutes is amended to read:

16 16.854 **(3)** It shall be a goal of the department, with regard to each of the
17 contracts described under sub. (2) (a), (b) and (c), to award at least 25% of the dollar
18 value of such contracts to minority businesses and at least 5% of the dollar value of
19 such contracts to women’s businesses.

20 **(4)** Sections 16.85, 16.855 **(1) to (14) and (15) to (22)** and 16.87 do not apply to
21 services provided or contracted by the department under this section.

22 **SECTION 105g.** 16.855 (14m) of the statutes is created to read:

23 16.855 **(14m)** (a) In this subsection, “labor organization” has the meaning given
24 in s. 5.02 (8m).

1 (b) The department shall ensure that the specifications for bids and contracts
2 for construction projects entered into under this section do not do any of the
3 following:

4 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
5 an agreement with any labor organization concerning services to be performed in
6 relation to the project or a related project.

7 2. Discriminate against any bidder, contractor or subcontractor for refusing to
8 enter into or continue to adhere to an agreement with any labor organization
9 concerning services to be performed in relation to the project or a related project.

10 3. Require any bidder, contractor or subcontractor to enter into, continue to
11 adhere to or enforce any agreement that requires its employees, as a condition of
12 employment, to do any of the following:

13 a. Become members of or become affiliated with a labor organization.

14 b. Make payments to a labor organization, without the authorization of the
15 employees, exceeding the employees' proportionate share of the cost of collective
16 bargaining, contract administration and grievance adjustment.

17 (c) Any taxpayer of this state or any other person who enters into contracts or
18 subcontracts for building construction services may bring an action to require
19 compliance with this subsection. If that person prevails in his or her action, the court
20 shall award to that person reasonable actual attorney fees in addition to other costs
21 allowed to prevailing parties under ch. 814.”.

22 **32.** Page 54, line 3: after that line insert:

23 “**SECTION 107m.** 16.94 of the statutes is created to read:

1 **16.94 Sale of state-owned water purification and wastewater**
2 **treatment plants. (1)** The department may sell any state-owned water
3 purification or wastewater treatment plant if the department determines that sale
4 of the plant is appropriate. The sale may be on the basis of either public bids, with
5 the department reserving the right to reject any bids in the best interest of the state,
6 or negotiated prices.

7 **(2)** If there is any outstanding public debt used to finance the acquisition,
8 construction or repair of a plant that is sold under sub. (1), the department shall
9 deposit a sufficient amount of the net proceeds from the sale of the plant in the bond
10 security and redemption fund under s. 18.09 to repay the principal and pay the
11 interest on the debt, and any premium due upon refunding any of that debt. If there
12 is no such debt outstanding, or, if the net proceeds exceed the amount required to
13 repay that principal and pay that interest and premium, the department shall
14 deposit the net proceeds or remaining net proceeds in the fund or funds from which
15 the acquisition, construction or repair was financed, or was to be financed had the
16 state retained ownership.”.

17 **33.** Page 55, line 22: delete the material beginning with that line and ending
18 with page 60, line 9.

19 **34.** Page 61, line 8: delete “the weighted” and substitute “a weighted”.

20 **35.** Page 61, line 9: delete “department of administration under s. 978.042 (1)”
21 and substitute “state prosecutors office in the department of administration”.

22 **36.** Page 63, line 2: delete “School for the Visually Handicapped” and
23 substitute “Center for the Blind and Visually Impaired”.

24 **37.** Page 83, line 9: after that line insert:

1 **“SECTION 161d.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

2 19.35 **(1)** (am) 2. c. Endanger the security, including the security of the
3 population or staff, of any state ~~correctional institution, as defined in s. 301.01 (4)~~
4 prison under s. 302.01, jail, as defined in s. 165.85 (2) (bg), secured correctional
5 facility, as defined in s. 938.02 (15m), secured child caring institution, as defined in
6 s. 938.02 (15g), secured group home, as defined in s. 938.02 (15p), mental health
7 institute, as defined in s. 51.01 (12), or center for the developmentally disabled, as
8 defined in s. 51.01 (3), ~~or the population or staff of any of these institutions, facilities~~
9 ~~or jails.”.~~

10 **38.** Page 83, line 11: delete that line and substitute:

11 “19.42 **(13)** (n) The members of the public broadcasting transitional board and
12 the members of the board of directors of the broadcasting corporation, as defined in
13 s. 39.81 (2).”.

14 **39.** Page 84, line 19: delete the material beginning with that line and ending
15 with page 85, line 11.

16 **40.** Page 97, line 16: substitute “C” for “A”.

17 **41.** Page 97, line 19: increase the dollar amount for fiscal year 1999–00 by
18 \$55,000 and increase the dollar amount for fiscal year 2000–01 by \$55,000 to restore
19 for the department of agriculture, trade and consumer protection a 0.5 FTE PR
20 position for trade practice analysis.

21 **42.** Page 99, line 12: delete “S” and substitute “A”.

22 **43.** Page 101, line 4: after that line insert:

23 “(t) Tobacco farmer assistance SEG A –0– 100,000”.

1 **44.** Page 101, line 6: increase the dollar amount for fiscal year 1999–00 by
2 \$32,500 and increase the dollar amount for fiscal year 2000–01 by \$43,300 to
3 increase the authorized FTE positions of the department of agriculture, trade and
4 consumer protection by 1.0 GPR position related to nursery regulation.

5 **45.** Page 101, line 10: increase the dollar amount for fiscal year 2000–01 by
6 \$3,500,000 to increase funding for the purpose for which the appropriation is made.

7 **46.** Page 102, line 12: increase the dollar amount for fiscal year 2000–01 by
8 \$2,521,300 to increase funding for the purpose for which the appropriation is made.

9 **47.** Page 102, line 12: increase the dollar amount for fiscal year 1999–00 by
10 \$170,000 and increase the dollar amount for fiscal year 2000–01 by \$190,000 to
11 increase authorized FTE positions for the department of agriculture, trade and
12 consumer protection by 3.0 SEG for the soil and water resource management
13 program.

14 **48.** Page 102, line 22: delete lines 22 and 23.

15 **49.** Page 103, line 1: delete lines 1 and 2 and substitute:

16 “(ud) Pesticide data base study SEG B 35,000 –0–”.

17 **50.** Page 107, line 19: decrease the dollar amount for fiscal year 1999–00 by
18 \$175,500 and decrease the dollar amount for fiscal year 2000–01 by \$185,500 to
19 decrease funding for the purposes for which the appropriation is made.

20 **51.** Page 107, line 19: decrease the dollar amount for fiscal year 1999–00 by
21 \$500,000 to decrease funding for the purposes for which the appropriation is made.

22 **52.** Page 108, line 14: decrease the dollar amount for fiscal year 1999–00 by
23 \$166,100 and decrease the dollar amount for fiscal year 2000–01 by \$166,100 to

1 decrease funding for decreasing the authorized FTE positions for the department of
2 commerce by 2.0 SEG positions related to program assistant and economic
3 development consultant staff support for the recycling market development board.

4 **53.** Page 108, line 16: delete lines 16 and 17.

5 **54.** Page 109, line 10: decrease the dollar amount for fiscal year 2000–01 by
6 \$76,400 to decrease funding for the purposes for which the appropriation is made.

7 **55.** Page 110, line 2: after that line insert:

8 “(sa) Administration of mobile homes SEG A –0– 76,400.”.

9 **56.** Page 117, line 7: delete that line.

10 **57.** Page 117, line 12: delete lines 12 to 14.

11 **58.** Page 117, line 15: delete lines 15 and 16.

12 **59.** Page 118, line 1: delete “**Educational**” and substitute “**Public**”.

13 **60.** Page 118, line 2: delete “CORPORATION”.

14 **61.** Page 118, line 3: delete the material beginning with “Educational” and
15 ending with “transmissions” on page 118, line 4, and substitute “General program
16 operations”.

17 **62.** Page 118, line 4: after that line insert:

18 “(b) Public broadcasting services GPR A –0– –0–”.

19 **63.** Page 119, line 6: increase the dollar amount for fiscal year 1999–00 by
20 \$299,700 and increase the dollar amount for fiscal year 2000–01 by \$623,900 to
21 increase funding for the purpose for which the appropriation is made.

1 **64.** Page 119, line 18: increase the dollar amount for fiscal year 1999–00 by
2 \$130,900 and increase the dollar amount for fiscal year 2000–01 by \$266,500 to
3 increase funding for the purpose for which the appropriation is made.

4 **65.** Page 120, line 2: increase the dollar amount for fiscal year 1999–00 by
5 \$89,200 and increase the dollar amount for fiscal year 2000–01 by \$181,600 to
6 increase funding for the purpose for which the appropriation is made.

7 **66.** Page 120, line 19: increase the dollar amount for fiscal year 1999–00 by
8 \$34,500 and increase the dollar amount for fiscal year 2000–01 by \$34,500 to
9 increase the authorized FTE positions for the higher educational aids board by 1.86
10 GPR positions.

11 **67.** Page 123, line 1: increase the dollar amount for fiscal year 1999–00 by
12 \$107,100 and increase the dollar amount for fiscal year 2000–01 by \$123,600 to
13 provide wage increases for limited term employes working at the historic sites.

14 **68.** Page 123, line 12: increase the dollar amount for fiscal year 1999–00 by
15 \$107,100 and increase the dollar amount for fiscal year 2000–01 by \$123,600 to
16 provide wage increases for limited term employes working at the historic sites.

17 **69.** Page 127, line 11: delete “residential schools” and substitute “School for
18 the Deaf and Center for the Blind and Visually Impaired”.

19 **70.** Page 127, line 12: after “costs” insert “; School for the Deaf and Center for
20 the Blind and Visually Impaired”.

21 **71.** Page 128, line 1: delete “Residential schools” and substitute “School for
22 the Deaf and Center for the Blind and Visually Impaired”.

23 **72.** Page 128, line 2: after that line insert:

1	“(gh) School for the Deaf and Center					
2	for the Blind and Visually					
3	Impaired; hospitalization	PR	C	–0–	–0–	
4	(gL) Center for the Blind and Visu-					
5	ally Impaired; leasing of space	PR	C	–0–	–0–	
6	(gs) School for the Deaf and Center					
7	for the Blind and Visually					
8	Impaired; services	PR	C	–0–	–0–	”.

9 **73.** Page 128, line 3: delete “Residential schools” and substitute “School for
10 the Deaf and Center for the Blind and Visually Impaired”.

11 **74.** Page 129, line 2: after that line insert:

12	“(q) Agricultural education consul-					
13	tant	SEG	A	56,400	65,700”.	

14 **75.** Page 129, line 7: after “programs” insert “and residential school planning
15 grant”.

16 **76.** Page 131, line 19: increase the dollar amount for fiscal year 1999–00 by
17 \$265,000 and increase the dollar amount for fiscal year 2000–01 by \$265,000 to
18 increase funding for the purpose for which the appropriation is made.

19 **77.** Page 134, line 7: after “districts” insert “; grant”.

20 **78.** Page 134, line 16: decrease the dollar amount for fiscal year 2000–01 by
21 \$250,000 for the purpose of decreasing funding for the University of Wisconsin
22 System general program operations.

1 **79.** Page 134, line 16: decrease the dollar amount for fiscal year 2000–01 by
2 \$1,081,300 to decrease funding for the purposes for which the appropriation is made.

3 **80.** Page 135, line 2: decrease the dollar amount for fiscal year 2000–01 by
4 \$400 to decrease funding for the purpose for which the appropriation is made.

5 **81.** Page 135, line 5: after that line insert:

6 “(cc) Salaries, fringe benefits, supplies

7 and services for certain employes GPR A –0– –0–”.

8 **82.** Page 135, line 7: decrease the dollar amount for fiscal year 2000–01 by
9 \$100 to decrease funding for the purpose for which the appropriation is made.

10 **83.** Page 135, line 13: decrease the dollar amount for fiscal year 2000–01 by
11 \$200 to decrease funding for the purpose for which the appropriation is made.

12 **84.** Page 135, line 14: decrease the dollar amount for fiscal year 2000–01 by
13 \$300 to decrease funding for the purpose for which the appropriation is made.

14 **85.** Page 135, line 15: decrease the dollar amount for fiscal year 1999–00 by
15 \$500,000 to decrease funding for the purpose for which the appropriation is made.

16 **86.** Page 135, line 22: decrease the dollar amount for fiscal year 2000–01 by
17 \$2,400 to decrease funding for the purpose for which the appropriation is made.

18 **87.** Page 136, line 16: increase the dollar amount for fiscal year 1999–00 by
19 \$2,538,500 and increase the dollar amount for fiscal year 2000–01 by \$4,384,600 to
20 increase funding for the purpose for which the appropriation is made.

21 **88.** Page 137, line 8: after that line insert:

22 “(kg) Grants to forestry cooperatives PR–S B 50,000 50,000”.

23 **89.** Page 137, line 9: delete lines 9 to 12.

1 adjust the NET APPROPRIATION totals accordingly, for the purpose for which the
2 appropriation is made.

3 **100.** Page 148, line 4: decrease the dollar amount for fiscal year 1999–00 by
4 \$29,800 and decrease the dollar amount for fiscal year 2000–01 by \$29,800, and
5 adjust the NET APPROPRIATION totals accordingly, for the purpose for which the
6 appropriation is made.

7 **101.** Page 150, line 24: after that line insert:

8 “(fq) Indemnification agreements. SEG S –0– –0–”.

9 **102.** Page 153, line 6: decrease the dollar amount for fiscal year 1999–00 by
10 \$230,100 and decrease the dollar amount for fiscal year 2000–01 by \$230,100 to
11 eliminate funding for overtime work.

12 **103.** Page 153, line 6: decrease the dollar amount for fiscal year 1999–00 by
13 \$1,200,000 and decrease the dollar amount for fiscal year 2000–01 by \$1,200,000 to
14 decrease the authorized FTE positions for the department of natural resources by
15 17.0 GPR conservation warden positions.

16 **104.** Page 153, line 23: decrease the dollar amount for fiscal year 1999–00 by
17 \$328,800 and decrease the dollar amount for fiscal year 2000–01 by \$328,800 for the
18 purpose for which the appropriation is made.

19 **105.** Page 153, line 23: increase the dollar amount for fiscal year 1999–00 by
20 \$1,200,000 and increase the dollar amount for fiscal year 2000–01 by \$1,200,000 to
21 increase the authorized FTE positions for the department of natural resources by
22 17.0 SEG conservation warden positions.

1 **106.** Page 155, line 22: decrease the dollar amount for fiscal year 1999–00 by
2 \$111,700 and decrease the dollar amount for fiscal year 2000–01 by \$119,800, and
3 adjust the NET APPROPRIATION total accordingly, to decrease funding for
4 developing total maximum daily load standards for impaired water bodies and to
5 reduce the authorized FTE positions for the department of natural resources by 1.5
6 GPR.

7 **107.** Page 157, line 8: decrease the dollar amount for fiscal year 1999–00 by
8 \$423,100 and decrease the dollar amount for fiscal year 2000–01 by \$423,100 for the
9 purpose for which the appropriation is made.

10 **108.** Page 158, line 14: increase the dollar amount for fiscal year 1999–00 by
11 \$175,000 and increase the dollar amount for fiscal year 2000–01 by \$260,000 for the
12 purposes for which the appropriation is made.

13 **109.** Page 160, line 14: increase the dollar amount for fiscal year 1999–00 by
14 \$250,000 and increase the dollar amount for fiscal year 2000–01 by \$250,000 for the
15 purpose for which the appropriation is made.

16 **110.** Page 160, line 19: delete that line.

17 **111.** Page 161, line 3: decrease the dollar amount for fiscal year 2000–01 by
18 \$3,500,000 to decrease funding for the purpose for which the appropriation is made.

19 **112.** Page 161, line 3: decrease the dollar amount for fiscal year 1999–00 by
20 \$500,000 and decrease the dollar amount for fiscal year 2000–01 by \$500,000 to
21 decrease funding for the purpose for which the appropriation is made.

1 **113.** Page 161, line 7: decrease the dollar amount for fiscal year 1999–00 by
2 \$170,000 and decrease the dollar amount for fiscal year 2000–01 by \$2,711,300 to
3 decrease funding for the purpose for which the appropriation is made.

4 **114.** Page 162, line 6: delete lines 6 to 8.

5 **115.** Page 162, line 10: after that line insert:

6 “(bt) Wheelchair recycling project SEG A 175,000 150,000”.

7 **116.** Page 163, line 17: after that line insert:

8 “(ag) Land acquisition—principal
9 repayment and interest PR C –0– –0–”.

10 **117.** Page 164, line 10: increase the dollar amount for fiscal year 1999–00 by
11 \$1,000,000 and increase the dollar amount for fiscal year 2000–01 by \$1,000,000 for
12 the purpose for which the appropriation is made.

13 **118.** Page 167, line 6: decrease the dollar amount for fiscal year 1999–00 by
14 \$10,500 and decrease the dollar amount for fiscal year 2000–01 by \$10,500 to
15 eliminate funding for overtime work.

16 **119.** Page 167, line 19: decrease the dollar amount for fiscal year 1999–00 by
17 \$2,075,300 and decrease the dollar amount for fiscal year 2000–01 by \$2,075,300 for
18 the purpose for which the appropriation is made.

19 **120.** Page 170, line 2: decrease the dollar amount for fiscal year 1999–00 by
20 \$1,606,700 and decrease the dollar amount for fiscal year 2000–01 by \$1,606,700 for
21 the purpose for which the appropriation is made.

22 **121.** Page 173, line 6: decrease the dollar amount for fiscal year 2000–01 by
23 \$417,400 to decrease funding for the purpose for which the appropriation is made.

1 **122.** Page 173, line 8: decrease the dollar amount for fiscal year 2000–01 by
2 \$1,313,000 to decrease funding for the purpose for which the appropriation is made.

3 **123.** Page 174, line 23: decrease the dollar amount for fiscal year 1999–00 by
4 \$207,200 and decrease the dollar amount for fiscal year 2000–01 by \$829,000 to
5 decrease funding for the purpose for which the appropriation is made.

6 **124.** Page 175, line 2: decrease the dollar amount for fiscal year 1999–00 by
7 \$56,000 and decrease the dollar amount for fiscal year 2000–01 by \$223,900 to
8 decrease funding for the purpose for which the appropriation is made.

9 **125.** Page 175, line 4: decrease the dollar amount for fiscal year 1999–00 by
10 \$560,400 and decrease the dollar amount for fiscal year 2000–01 by \$2,241,800 to
11 decrease funding for the purpose for which the appropriation is made.

12 **126.** Page 175, line 6: decrease the dollar amount for fiscal year 1999–00 by
13 \$149,700 and decrease the dollar amount for fiscal year 2000–01 by \$598,500 to
14 decrease funding for the purpose for which the appropriation is made.

15 **127.** Page 176, line 14: decrease the dollar amount for fiscal year 1999–00 by
16 \$8,042,200 and decrease the dollar amount for fiscal year 2000–01 by \$7,847,200 to
17 decrease funding for the purposes for which the appropriation is made.

18 **128.** Page 177, line 4: increase the dollar amount for fiscal year 1999–00 by
19 \$3,100,000 to increase funding for the purpose for which the appropriation is made.

20 **129.** Page 177, line 4: decrease the dollar amount for fiscal year 1999–00 by
21 \$75,000 and decrease the dollar amount for fiscal year 2000–01 by \$75,000 for the
22 purpose of discretionary town road improvements under section 86.31 (3m) of the
23 statutes, as affected by this act.

1 **130.** Page 179, line 16: increase the dollar amount for fiscal year 2000–01 by
2 \$3,300,000 for the purpose for which the appropriation is made.

3 **131.** Page 179, line 18: after that line insert:

4 “(bs) Major highway development sup-
5 plement, service funds SEG–S C –0– –0–”.

6 **132.** Page 180, line 4: decrease the dollar amount for fiscal year 1999–00 by
7 \$1,800,000 and increase the dollar amount for fiscal year 2000–01 by \$1,800,000 for
8 the purpose of complying with storm water regulations.

9 **133.** Page 181, line 3: increase the dollar amount for fiscal year 1999–00 by
10 \$75,000 and increase the dollar amount for fiscal year 2000–01 by \$75,000 to
11 increase funding for payments to University of Wisconsin–Extension for contracts
12 entered into under SECTION 9150 (2bt) of this act.

13 **134.** Page 183, line 7: increase the dollar amount for fiscal year 2000–01 by
14 \$30,400 to increase the authorized FTE positions by 4.0 SEG positions for installing
15 lighting equipment in state patrol vehicles.

16 **135.** Page 183, line 7: increase the dollar amount for fiscal year 1999–00 by
17 \$28,000 and increase the dollar amount for fiscal year 2000–01 by \$28,000 to
18 increase funding for purchasing strobe lighting equipment and installing that
19 equipment in state patrol vehicles.

20 **136.** Page 185, line 3: increase the dollar amount for fiscal year 1999–00 by
21 \$189,900 and increase the dollar amount for fiscal year 2000–01 by \$189,900 for the
22 purpose of establishing and operating drug detection dog units and for the purpose

1 services by 0.5 GPR project position, for the period ending on June 30, 2001, for the
2 purpose of developing a managed care pilot program that integrates the social,
3 behavioral and physical health needs of children placed in out-of-home care in
4 Milwaukee County who are medical assistance recipients.

5 **144.** Page 198, line 14: decrease the dollar amount for fiscal year 1999–00 by
6 \$91,900 and decrease the dollar amount for fiscal year 2000–01 by \$100,100 for the
7 purpose for which the appropriation is made.

8 **145.** Page 198, line 14: increase the dollar amount for fiscal year 2000–01 by
9 \$159,100 for the purpose for which the appropriation is made.

10 **146.** Page 199, line 4: after “care” insert “and graduate medical education”.

11 **147.** Page 199, line 9: decrease the dollar amount for fiscal year 1999–00 by
12 \$60,000 to decrease funding for development of voluntarily provided health plan
13 data collection.

14 **148.** Page 200, line 16: decrease the dollar amount for fiscal year 1999–00 by
15 \$61,300 and decrease the dollar amount for fiscal year 2000–01 by \$61,300 to
16 decrease funding for life care and early intervention services under section 252.12
17 (2) (a) 8. of the statutes.

18 **149.** Page 201, line 6: increase the dollar amount for fiscal year 1999–00 by
19 \$250,000 and increase the dollar amount for fiscal year 2000–01 by \$40,000 to
20 increase funding for dental services for minors under section 250.10 of the statutes.

21 **150.** Page 201, line 20: delete that line.

1 purpose of reducing funding for travel expenses incurred in providing investigative
2 services for Indian gaming under chapter 569 of the statutes.

3 **166.** Page 221, line 5: decrease the dollar amount for fiscal year 1999–00 by
4 \$226,000 and decrease the dollar amount for fiscal year 2000–01 by \$226,700 to
5 decrease the number of authorized FTE positions by 2.75 SEG positions and for the
6 purpose of reducing funding for gaming enforcement.

7 **167.** Page 224, line 5: increase the dollar amount for fiscal year 1999–00 by
8 \$110,000 to increase funding for the purpose of purchasing infrared optical
9 equipment to search for individuals who are lost.

10 **168.** Page 227, line 5: delete “HOMES” and substitute “HOME AND FACILITIES”.

11 **169.** Page 227, line 14: increase the dollar amount for fiscal year 1999–00 by
12 \$11,000 and increase the dollar amount for fiscal year 2000–01 by \$999,600 to
13 increase the FTE positions by 1.0 PR position on January 1, 2000, and by 16.0 PR
14 positions on March 1, 2000, for the purpose of operating a community–based
15 residential facility for veterans at the Southern Wisconsin Veterans Retirement
16 Center.

17 **170.** Page 229, line 21: increase the dollar amount for fiscal year 1999–2000
18 by \$88,500 and increase the dollar amount for fiscal year 2000–01 by \$74,500 to
19 increase the FTE positions by 1.0 SEG project position for the purpose of overseeing
20 and coordinating the renovation and construction projects at the facilities for
21 veterans at the Southern Wisconsin Veterans Retirement Center.

22 **171.** Page 235, line 9: delete lines 9 and 10.

1	(b)	Grant for program administra-				
2		tor's costs	GPR	B	200,000	–0–
3	(g)	Private employer health care				
4		coverage plan	PR	C	–0–	–0–”.

5 **180.** Page 253, line 13: after that line insert:

6 “(am) Lottery credit administration GPR A 43,300 33,500”.

7 **181.** Page 254, line 7: decrease the dollar amount for fiscal year 1999–00 by
8 \$43,300 and decrease the dollar amount for fiscal year 2000–01 by \$33,500 for the
9 purpose of reducing funding for lottery credit administration.

10 **182.** Page 255, line 8: after that line insert:

11	“(a)	General program operations	GPR	A	21,095,800	21,095,800
12	(b)	Retailer compensation	GPR	S	–0–	–0–
13	(c)	Vendor fees	GPR	S	–0–	–0–”.

14 **183.** Page 255, line 9: decrease the dollar amount for fiscal year 1999–00 by
15 \$21,095,800 and decrease the dollar amount for fiscal year 2000–01 by \$21,095,800
16 to decrease the authorized FTE positions by 110.5 SEG positions and for the purpose
17 of decreasing the funding for general program operations for the lottery.

18 **184.** Page 260, line 7: increase the dollar amount for fiscal year 2000–01 by
19 \$37,800 for computer equipment and maintenance for the new Waupaca circuit court
20 branch.

21 **185.** Page 262, line 14: increase the dollar amount for fiscal year 1999–00 by
22 \$41,700 and increase the dollar amount for fiscal year 2000–01 by \$41,700 to

1 increase the authorized FTE positions for the legislative audit bureau by 1.0 GPR
2 auditor position.

3 **186.** Page 265, line 3: after that line insert:

4 “(dn) Farmland tax relief credit GPR S –0– –0–”.

5 **187.** Page 275, line 5: increase the dollar amount for fiscal year 1999–00 by
6 \$1,100,000 and increase the dollar amount for fiscal year 2000–01 by \$1,100,000 to
7 increase funding for the purpose of providing purchase of service funding to the
8 department of corrections on a one–for–one matching basis.

9 **188.** Page 275, line 5: decrease the dollar amount for fiscal year 1999–00 by
10 \$232,000 and decrease the dollar amount for fiscal year 2000–01 by \$232,000 to
11 decrease funding for operation fresh start replication projects.

12 **189.** Page 275, line 5: decrease the dollar amount by \$750,000 for fiscal year
13 1999–2000 to delete funding for supplementation of the Wisconsin election campaign
14 fund.

15 **190.** Page 280, line 11: delete “The amounts in the schedule for”.

16 **191.** Page 280, line 12: delete “fruit and vegetable inspection.”.

17 **192.** Page 280, line 13: delete “shall be credited to” and substitute “to carry
18 out the purposes for which those moneys are received.”.

19 **193.** Page 280, line 14: delete that line.

20 **194.** Page 282, line 7: delete lines 7 to 12 and substitute:

21 “**SECTION 179q.** 20.115 (3) (c) of the statutes is created to read:

22 20.115 (3) (c) *Export promotion program.* The amounts in the schedule for
23 promotion of exports of agricultural products.”.

1 **195.** Page 283, line 6: after that line insert:

2 “**SECTION 183m.** 20.115 (4) (t) of the statutes is created to read:

3 20.115 (4) (t) From the cigarette use resistance education fund, the amounts
4 in the schedule to provide assistance under s. 93.46 to tobacco farmers.”.

5 **196.** Page 284, line 11: delete lines 11 to 20 and substitute:

6 “**SECTION 189f.** 20.115 (7) (ud) of the statutes is created to read:

7 20.115 (7) (ud) *Pesticide data base study.* Biennially, from the environmental
8 fund, the amounts in the schedule for the pesticide data base study under 1999
9 Wisconsin Act (this act), section 9104 (1g).

10 **SECTION 189fm.** 20.115 (7) (ud) of the statutes, as created by 1999 Wisconsin
11 Act (this act), is repealed.”.

12 **197.** Page 286, line 5: after “560.607;” insert “for the transfer under 1999
13 Wisconsin Act (this act), section 9210 (2e);”.

14 **198.** Page 289, line 15: delete “and for the grants under s. 560.139.” and
15 substitute “, for the grants under s. 560.139 and for the grant under 1999 Wisconsin
16 Act (this act), section 9110 (7h).”.

17 **199.** Page 289, line 21: after that line insert:

18 “**SECTION 210c.** 20.143 (1) (L) of the statutes is amended to read:

19 20.143 (1) (L) *Recycling market development; repayments.* All moneys received
20 in repayment of loans awarded by the recycling market development board under s.
21 287.46 (1) and, received under s. 287.46 (3) in repayment of loans made by recipients
22 of financial assistance awarded by the recycling market development board under
23 s. 287.46 (1) and received in repayment of loans under s. 560.835, to be used for
24 recycling market development board contracts under s. 287.42 (3) and (3m), for the

1 grants awarded under s. 287.42 (4) and to provide financial assistance under subch.
2 III of ch. 287.

3 **SECTION 210e.** 20.143 (1) (L) of the statutes, as affected by 1997 Wisconsin Acts
4 27 and 1999 Wisconsin Act ... (this act), is repealed and recreated to read:

5 20.143 (1) (L) *Recycling market development; repayments.* All moneys received
6 in repayment of loans awarded under s. 287.46 (1), 1995 stats., and s. 560.031,
7 received under s. 287.46 (3), 1995 stats., and s. 560.031 in repayment of loans made
8 by recipients of financial assistance awarded under s. 287.46 (1), 1995 stats., and s.
9 560.031 and received in repayment of loans under s. 560.835, to be used to provide
10 financial assistance under s. 560.031.”.

11 **200.** Page 290, line 1: after that line insert:

12 “**SECTION 215c.** 20.143 (1) (tm) of the statutes, as affected by 1997 Wisconsin
13 Act 27, is repealed.”.

14 **201.** Page 290, line 7: delete “and (3) to (10)” and substitute “(b)”.

15 **202.** Page 290, line 22: after that line insert:

16 “**SECTION 217cr.** 20.143 (3) (sa) of the statutes is created to read:

17 20.143 (3) (sa) *Administration of mobile homes.* From the transportation fund,
18 the amounts in the schedule for administration of subch. V of ch. 101.”.

19 **203.** Page 292, line 10: delete “and loan” and substitute “and loan
20 institutions”.

21 **204.** Page 292, line 11: delete “and loan” and substitute “and loan
22 institutions”.

1 **205.** Page 293, line 4: delete “and 9.” and substitute “, 9. and 10. Annually,
2 \$100,000 shall be transferred to the department of health and family services under
3 the appropriation account under s. 20.435 (6) (kd). ”.

4 **206.** Page 293, line 21: delete lines 21 to 23.

5 **207.** Page 293, line 23: after that line insert:

6 “**SECTION 226n.** 20.215 (1) (k) of the statutes is repealed.

7 **SECTION 226o.** 20.215 (1) (ka) of the statutes is repealed.”.

8 **208.** Page 293, line 25: delete that line.

9 **209.** Page 294, line 1: delete lines 1 to 5.

10 **210.** Page 294, line 9: delete lines 9 to 12 and substitute:

11 “(1) PUBLIC BROADCASTING. (a) *General program operations.* As a continuing
12 appropriation, the amounts in the schedule for general program operations for public
13 broadcasting.

14 (b) *Public broadcasting services.* The amounts in the schedule for distance
15 education for elementary and secondary schools, transmission to remote and
16 underserved areas of the state and an emergency weather warning system.”.

17 **211.** Page 299, line 10: after that line insert:

18 “**SECTION 244j.** 20.235 (1) (ks) of the statutes is created to read:

19 20.235 (1) (ks) *Wisconsin higher education grants; University of Wisconsin*
20 *System supplement.* All moneys transferred from the appropriation account under
21 s. 20.285 (1) (im) for Wisconsin higher education grants to University of Wisconsin
22 System students under s. 39.435.”.

23 **212.** Page 300, line 19: after that line insert:

1 **SECTION 250p.** 20.255 (1) (b) of the statutes is amended to read:

2 20.255 (1) (b) *General program operations; residential schools School for the*
3 *Deaf and Center for the Blind and Visually Impaired.* The amounts in the schedule
4 for the operation and maintenance of the Wisconsin schools School for the deaf Deaf
5 and the visually handicapped Wisconsin Center for the Blind and Visually Impaired,
6 the matching of federal funds, but not including expenses financed under par. (js).
7 ~~All moneys received in reimbursement for services rendered institutional employes,~~
8 ~~participants in institutes and training programs and visitors at the state schools for~~
9 ~~the deaf and the visually handicapped under s. 115.52 (6), except reimbursements~~
10 ~~credited under par. (js), shall be refunded to the appropriation made by this~~
11 ~~paragraph. Such reimbursements shall be accumulated in an account named~~
12 ~~“maintenance credits”.~~

13 **SECTION 250q.** 20.255 (1) (c) of the statutes is amended to read:

14 20.255 (1) (c) *Energy costs; School for the Deaf and Center for the Blind and*
15 *Visually Impaired.* The amounts in the schedule to be used at the schools Wisconsin
16 School for the deaf Deaf and visually handicapped the Wisconsin Center for the Blind
17 and Visually Impaired to pay for utilities and for fuel, heat and air conditioning, to
18 pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895, and
19 to repay to the energy efficiency fund loans made to the department under s. 16.847
20 (6).

21 **SECTION 250r.** 20.255 (1) (d) of the statutes is amended to read:

22 20.255 (1) (d) *Principal repayment and interest.* A sum sufficient to reimburse
23 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
24 the acquisition, construction, development, enlargement or improvement of
25 institutional facilities for individuals with hearing impairments and visual

1 ~~impairments~~ under s. 115.52, individuals with visual impairments under s. 115.525
2 and reference and loan library facilities under s. 43.05 (11).

3 **SECTION 250s.** 20.255 (1) (gb) of the statutes is amended to read:

4 20.255 (1) (gb) *Residential schools* School for the Deaf and Center for the Blind
5 and Visually Impaired; nonresident fees. All moneys received from fees charged
6 nonresident pupils ~~under s. 115.52 (3)~~ for services provided at the residential schools
7 Wisconsin School for the Deaf under s. 115.52 (3) and for services provided by the
8 Wisconsin Center for the Blind and Visually Impaired under s. 115.525 (3) (a) 3.

9 **SECTION 250t.** 20.255 (1) (gh) of the statutes is created to read:

10 20.255 (1) (gh) *School for the Deaf and Center for the Blind and Visually*
11 *Impaired; hospitalization.* All moneys received on account of hospitalization under
12 s. 115.53 (4) for the operation of the Wisconsin School for the Deaf and the Wisconsin
13 Center for the Blind and Visually Impaired.

14 **SECTION 250u.** 20.255 (1) (gL) of the statutes is created to read:

15 20.255 (1) (gL) *Center for the Blind and Visually Impaired; leasing of space.*
16 All moneys received from leasing space at the Wisconsin Center for the Blind and
17 Visually Impaired under s. 115.525 (6) for the operation and maintenance of the
18 center.

19 **SECTION 250v.** 20.255 (1) (gs) of the statutes is created to read:

20 20.255 (1) (gs) *School for the Deaf and Center for the Blind and Visually*
21 *Impaired; services.* All moneys received from services provided at the Wisconsin
22 School for the Deaf under s. 115.52 (6) and at the Wisconsin Center for the Blind and
23 Visually Impaired under s. 115.525 (5) for the operation and maintenance of the
24 school and the center.

25 **SECTION 250w.** 20.255 (1) (gt) of the statutes is amended to read:

1 20.255 (1) (gt) *Residential schools School for the Deaf and Center for the Blind*
2 and Visually Impaired; pupil transportation. The amounts in the schedule for the
3 weekend transportation of pupils enrolled in the residential schools under subch. III
4 of ch. 115 Wisconsin School for the Deaf under s. 115.52 or the school operated by the
5 Wisconsin Center for the Blind and Visually Impaired under s. 115.525 to and from
6 their homes. All moneys received under s. 115.53 (6) shall be credited to this
7 appropriation.”.

8 **213.** Page 301, line 1: after that line insert:

9 “**SECTION 252p.** 20.255 (1) (q) of the statutes is created to read:

10 20.255 (1) (q) *Agricultural education consultant*. From the agricultural
11 chemical cleanup fund, the amounts in the schedule for an agricultural education
12 consultant at the department of public instruction.”.

13 **214.** Page 301, line 5: delete that line and substitute “to ~~\$3,318,488,800~~ in the
14 ~~1997–98~~ fiscal year, equal to ~~\$3,460,133,800~~ in the ~~1998–99~~ \$3,768,344,300 in the
15 1999–2000”.

16 **215.** Page 301, line 8: delete the underscored material.

17 **216.** Page 301, line 13: after that line insert:

18 “**SECTION 254m.** 20.255 (2) (bc) of the statutes is amended to read:

19 20.255 (2) (bc) *Aid for children-at-risk programs and residential school*
20 planning grant. The amounts in the schedule for aid for children-at-risk programs
21 under s. 118.153 and, in the 1999–2000 fiscal year, the residential school planning
22 grant under 1999 Wisconsin Act (this act), section 9139 (3x) (b).”.

23 **217.** Page 302, line 6: after that line insert:

24 “**SECTION 263m.** 20.255 (2) (fu) of the statutes is amended to read:

1 20.255 (2) (fu) *Milwaukee parental choice program*. A sum sufficient to make
2 the payments to private schools under s. 119.23 (4) and (4m).”.

3 **218.** Page 303, line 8: after “(26).” insert “No moneys may be encumbered
4 from this appropriation after June 30, 2001.”.

5 **219.** Page 304, line 3: delete lines 3 to 6 and substitute:

6 “**SECTION 273n.** 20.275 (1) (et) of the statutes is amended to read:

7 20.275 (1) (et) *Educational technology training and technical assistance*
8 *grants*. ~~Biennially, the~~ The amounts in the schedule for grants to cooperative
9 educational service agencies and consortia under s. 44.72 (1) and to the board of
10 regents of the University of Wisconsin System under 1999 Wisconsin Act ... (this
11 act), section 9148 (2g).”.

12 **220.** Page 306, line 8: after “*districts*” insert “; grant”.

13 **221.** Page 306 , line 14: after “(6)” insert “and, in the 1999–2000 fiscal year,
14 to award a grant to the distance learning network under 1999 Wisconsin Act ... (this
15 act), section 9148 (4w)”.

16 **222.** Page 307, line 19: after that line insert:

17 “**SECTION 285d.** 20.285 (1) (cc) of the statutes is created to read:

18 20.285 (1) (cc) *Salaries, fringe benefits, supplies and services for certain*
19 *employees*. The amounts in the schedule for salaries and fringe benefits of former
20 employes of the educational communications board who were transferred to the
21 University of Wisconsin System under s. 39.87 (4) and for the provision of supplies
22 and services for these employes. If an employe vacates any position that is funded
23 under this appropriation account, there is transferred to the appropriation account
24 under s. 20.218 (1) (a) an amount equal to the unused money in the appropriation

1 account for the current fiscal biennium that was to be used to pay the employee's
2 salary and fringe benefits and the cost of supplies and services for the employee.”.

3 **223.** Page 308, line 18: after that line insert:

4 “SECTION 291t. 20.285 (1) (im) of the statutes is amended to read:

5 20.285 (1) (im) *Academic student fees.* ~~Except as provided in sub. (2) (i) 1., the~~
6 ~~amounts in the schedule~~ Except as provided under pars. (ip), (Lm) and (Ls), all
7 moneys received from academic student fees for degree credit instruction, other than
8 for credit outreach instruction sponsored by the University of Wisconsin–Extension.
9 ~~Except as provided under pars. (ip), (Lm) and (Ls), all moneys received from~~
10 ~~academic student fees shall be credited to this appropriation, and for the transfer of~~
11 moneys under s. 39.435 (7) (b).”.

12 **224.** Page 308, line 24: after that line insert:

13 “SECTION 292t. 20.285 (1) (kg) of the statutes is created to read:

14 20.285 (1) (kg) *Grants to forestry cooperatives.* From all moneys transferred
15 from the appropriation account under s. 20.370 (1) (mu), biennially, the amounts in
16 the schedule for grants to forestry cooperatives under s. 36.56.”.

17 **225.** Page 308, line 25: delete the material beginning with that line and
18 ending with page 309, line 15.

19 **226.** Page 309, line 24: delete that line.

20 **227.** Page 310, line 1: delete lines 1 to 5.

21 **228.** Page 310, line 14: after that line insert:

22 “SECTION 296m. 20.285 (2) (i) (title) of the statutes is amended to read:

23 20.285 (2) (i) (title) *Expenditures from program revenue appropriations federal*
24 *indirect cost reimbursement appropriation.*

1 **SECTION 296s.** 20.285 (2) (i) 1. of the statutes is repealed.

2 **SECTION 290t.** 20.285 (2) (i) 2. of the statutes is renumbered 20.285 (2) (i).”.

3 **229.** Page 310, line 18: delete lines 18 to 22.

4 **230.** Page 311, line 14: after that line insert:

5 “**SECTION 302p.** 20.292 (1) (q) of the statutes is created to read:

6 20.292 (1) (q) *Agricultural education consultant.* From the agricultural
7 chemical cleanup fund, the amounts in the schedule for an agricultural education
8 consultant at the technical college system board.”.

9 **231.** Page 311, line 15: delete that line and substitute:

10 “**SECTION 303h.** 20.315 of the statutes is repealed.”.

11 **232.** Page 315, line 15: delete “appropriation account under s. 20.285 (1) (kf)”
12 and substitute “appropriation accounts under s. 20.285 (1) (kf) and (kg)”.

13 **233.** Page 315, line 15: after that line insert:

14 “**SECTION 311a.** 20.370 (2) (fq) of the statutes is created to read:

15 20.370 (2) (fq) *Indemnification agreements.* From the environmental fund, a
16 sum sufficient to provide indemnification under agreements under s. 292.70.”.

17 **234.** Page 315, line 15: after that line insert:

18 “**SECTION 311g.** 20.370 (2) (hq) of the statutes is amended to read:

19 20.370 (2) (hq) *Recycling; administration.* From the recycling fund, the
20 amounts in the schedule for the administration of subch. II of ch. 287, other than ss.
21 s. 287.21, 287.23 and 287.25.”.

22 **235.** Page 316, line 4: delete lines 4 to 7.

23 **236.** Page 316, line 13: after that line insert:

1 **SECTION 316m.** 20.370 (3) (mr) of the statutes is amended to read:

2 20.370 (3) (mr) *Recycling; enforcement and research.* From the recycling fund,
3 the amounts in the schedule for research and enforcement under subch. II of ch. 287,
4 other than under ~~ss. s. 287.21, 287.23 and 287.25.~~”.

5 **237.** Page 317, line 15: after that line insert:

6 **SECTION 318o.** 20.370 (5) (aw) of the statutes is amended to read:

7 20.370 (5) (aw) *Resource aids — nonprofit conservation organizations.* As a
8 continuing appropriation, the amounts in the schedule for a ~~grant~~ grants to a
9 nonstock, nonprofit ~~corporation~~ corporations under ~~s. ss. 23.0955 (2) and 23.0956~~ for
10 assistance to nonprofit conservation organizations under ~~s. ss. 23.0955 and~~
11 23.0956.”.

12 **238.** Page 318, line 8: after “23.0962,” insert “for the Southeastern Wisconsin
13 Fox River commission under 1997 Wisconsin Act 237, section 9136 (2), and under
14 1999 Wisconsin Act (this act), section 9136 (10z).”.

15 **239.** Page 318, line 16: after “23.0962,” insert “for the Southeastern
16 Wisconsin Fox River commission under 1999 Wisconsin Act (this act), section
17 9136 (10z).”.

18 **240.** Page 319, line 2: after that line insert:

19 **SECTION 320m.** 20.370 (5) (et) of the statutes is repealed.”.

20 **241.** Page 320, line 21: after that line insert:

21 **SECTION 325y.** 20.370 (6) (bq) of the statutes, as affected by 1999 Wisconsin
22 Act (this act), is repealed.”.

23 **242.** Page 320, line 23: delete “\$227,749,200” and substitute “\$229,749,200”.

24 **243.** Page 321, line 2: delete “\$242,749,200” and substitute “\$249,749,200”.

1 **244.** Page 321, line 5: delete lines 5 to 10 and substitute:

2 “**SECTION 328b.** 20.370 (6) (br) of the statutes is repealed.”.

3 **245.** Page 321, line 10: after that line insert:

4 “**SECTION 328e.** 20.370 (6) (bt) of the statutes is created to read:

5 20.370 **(6)** (bt) *Wheelchair recycling project.* From the recycling fund, the
6 amounts in the schedule for the wheelchair recycling grants required under 1999
7 Wisconsin Act (this act), section 9136 (9) and (9b).”.

8 **246.** Page 323, line 9: after that line insert:

9 “**SECTION 333d.** 20.370 (7) (ag) of the statutes is created to read:

10 20.370 **(7)** (ag) *Land acquisition—principal repayment and interest.* All
11 moneys received from proceeds from the sale of land under s. 23.0917 (5m) (b) 2. to
12 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
13 in financing land acquisition under s. 23.0917 (5m) from the appropriation under s.
14 20.866 (2) (ta).”.

15 **247.** Page 327, line 6: after “(1to)” insert “and (2tw)”.

16 **248.** Page 327, line 6: delete “grant” and substitute “grants”.

17 **249.** Page 327, line 11: delete lines 11 to 13 and substitute “par. (b) for that
18 fiscal year.”.

19 **250.** Page 329, line 2: after that line insert:

20 “**SECTION 346br.** 20.395 (2) (dr) of the statutes is created to read:

21 20.395 **(2)** (dr) *Aeronautics assistance supplement, state funds.* As a continuing
22 appropriation, all moneys received from taxes on air carrier companies under ch. 76,
23 and all moneys received under 1999 Wisconsin Act (this act), section 9350 (8g),
24 for the state’s share of airport projects under ss. 114.34 and 114.35; for developing

1 air marking and other air navigational facilities; for administration of the powers
2 and duties of the secretary of transportation under s. 114.31; for costs associated with
3 aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b);
4 and for the administration of other aeronautical activities, except aircraft
5 registration under s. 114.20, authorized by law.”.

6 **251.** Page 329, line 22: after that line insert:

7 “**SECTION 347m.** 20.395 (3) (bs) of the statutes is created to read:

8 20.395 (3) (bs) *Major highway development supplement, service funds.* All
9 moneys received under s. 23.0917 (9m) as reimbursement for land acquisitions and
10 improvements under s. 85.197, for major development of state trunk and connecting
11 highways.”.

12 **252.** Page 331, line 20: delete lines 20 to 24.

13 **253.** Page 333, line 10: after that line insert:

14 “**SECTION 358m.** 20.395 (9) (td) of the statutes is amended to read:

15 20.395 (9) (td) *Real estate major cost carry-over.* ~~When~~ Subject to s. 86.255.
16 when a highway, airport or railroad land acquisition project is approved by the
17 secretary under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from
18 subs. (2) (bq), (dq) and (eq) and (3) (bq), (cq) and (eq) may be considered encumbered.”.

19 **254.** Page 334, line 18: after that line insert:

20 “**SECTION 362z.** 20.410 (1) (qm) of the statutes is created to read:

21 20.410 (1) (qm) *Computer recycling.* From the recycling fund, the amounts in
22 the schedule for the department to recycle computers.”.

23 **255.** Page 339, line 13: delete that line and substitute:

1 “**SECTION 377d.** 20.435 (1) (gp) of the statutes is renumbered 20.435 (4) (gp) and
2 amended to read:

3 20.435 **(4)** (gp) *Health care and graduate medical education; aids.* All moneys
4 received under s. 146.99, 50% of which to be used in each fiscal year for purchase of
5 primary health care services under s. 146.93 and 50% of which to be used in each
6 fiscal year for graduate medical education payments for training of providers under
7 the medical assistance program under ss. 49.45 to 49.499.”.

8 **256.** Page 340, line 6: delete “From” and substitute “Biennially, from”.

9 **257.** Page 340, line 7: delete “tobacco control fund” and substitute “cigarette
10 use resistance education fund”.

11 **258.** Page 343, line 1: delete lines 1 to 8 and substitute:

12 “**SECTION 391g.** 20.435 (3) (dd) of the statutes is amended to read:

13 20.435 **(3)** (dd) *State foster care and adoption services.* The amounts in the
14 schedule for foster care, treatment foster care, institutional child care and subsidized
15 adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s.
16 49.19 (10) (d) ~~and~~, for the cost of the foster care monitoring system, for the cost of
17 providing, or contracting with private adoption agencies to assist the department in
18 providing, services to children with special needs who are under the guardianship
19 of the department to prepare those children for adoption and for the cost of providing
20 postadoption services to children with special needs who have been adopted.”.

21 **259.** Page 343, line 24: after that line insert:

22 “**SECTION 396r.** 20.435 (3) (hm) of the statutes is created to read:

23 20.435 **(3)** (hm) *Community marriage policy project.* The amounts in the
24 schedule for the project under 1999 Wisconsin Act (this act), section 9123 (14d),

1 related to developing community-wide marriage standards. All moneys received
2 under s. 814.61 (1) (e) shall be credited to this appropriation account.

3 **SECTION 396s.** 20.435 (3) (hm) of the statutes, as created by 1999 Wisconsin Act
4 (this act), is repealed.”.

5 **260.** Page 344, line 4: after that line insert:

6 “**SECTION 397g.** 20.435 (3) (kc) of the statutes is amended to read:

7 20.435 (3) (kc) *Interagency and intra-agency aids; kinship care and long-term*
8 *kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) ~~and~~ (3n)
9 and (3o). All moneys transferred from the appropriation account under s. 20.445 (3)
10 (md) to this appropriation account shall be credited to this appropriation account.
11 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
12 is transferred to the appropriation account under s. 20.445 (3) (ky).”.

13 **261.** Page 344, line 20: delete the material beginning with that line and
14 ending with page 345, line 4, and substitute:

15 “**SECTION 399g.** 20.435 (3) (pd) of the statutes is amended to read:

16 20.435 (3) (pd) *Federal aid; state foster care and adoption services.* All federal
17 moneys received for meeting the costs of providing foster care, treatment foster care
18 ~~and~~, institutional child care under s. 48.52, ~~and for~~ and subsidized adoptions under
19 ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost
20 of providing, or contracting with private adoption agencies to assist the department
21 in providing, services to children with special needs who are under the guardianship
22 of the department to prepare those children for adoption and the cost of providing
23 postadoption services to children with special needs who have been adopted.

1 Disbursements for foster care under s. 46.03 (20) and for the purposes described
2 under s. 48.627 may be made from this appropriation.”.

3 **262.** Page 350, line 17: delete lines 17 to 20 and substitute:

4 “20.435 (5) (e) *Disease aids Public health dispensaries and drugs*. Biennially,
5 the amounts in the schedule for ~~assisting~~ establishing and maintaining public health
6 dispensaries for victims of diseases and for the provision of drugs for the treatment
7 of mycobacterium tuberculosis, as provided in ~~ss. 49.68, 49.683, 49.685, 58.06, 252.08~~
8 ~~(4) and (5) and s. 252.10~~ (6) and (7), as allocated by the department.”.

9 **263.** Page 351, line 4: after that line insert:

10 “SECTION 430g. 20.435 (5) (f) of the statutes is repealed.”.

11 **264.** Page 351, line 12: on lines 12 and 17, delete “\$1.40” and substitute
12 “\$2.00”.

13 **265.** Page 352, line 15: delete that line and substitute:

14 “20.435 (5) (tc) *Statewide tobacco control program*. As a continuing
15 appropriation, from the cigarette use resistance education”.

16 **266.** Page 354, line 19: after that line insert:

17 “SECTION 445g. 20.435 (6) (kd) of the statutes is created to read:

18 20.435 (6) (kd) *Rehabilitation teaching administration*. All moneys
19 transferred from the appropriation under s. 20.155 (1) (q) to provide administrative
20 services under the rehabilitation teaching program for blind and visually impaired
21 persons under s. 46.293, for that purpose.”.

22 **267.** Page 361, line 10: delete “~~and medical assistance eligibility~~” and
23 substitute “and medical assistance and badger care eligibility”.

24 **268.** Page 361, line 11: after “determination” insert “ determinations”.

1 **269.** Page 365, line 19: after that line insert:

2 “(kd) *Transfer of Indian gaming receipts; tribal work-based learning programs.*

3 The amounts in the schedule for work-based learning programs for students of a
4 tribal college that is recognized as a land grant college under 7 USC 301, as amended
5 to October 20, 1994. All moneys transferred from the appropriation account under
6 s. 20.505 (8) (hm) 18j. shall be credited to this appropriation account.”.

7 **270.** Page 365, line 23: delete the material beginning with that line and
8 ending with page 366, line 2, and substitute:

9 “**SECTION 480mr.** 20.455 (1) (kt) of the statutes is repealed.”.

10 **271.** Page 366, line 3: after that line insert:

11 “**SECTION 481d.** 20.455 (2) (fm) of the statutes is created to read:

12 20.455 (2) (fm) *Gaming law enforcement.* The amounts in the schedule for the
13 performance of the department’s gaming law enforcement responsibilities as
14 specified in s. 165.70 (3m). No moneys may be encumbered or expended from this
15 appropriation account after the day of publication of the 2001–03 biennial budget
16 act.”.

17 **272.** Page 367, line 25: after that line insert:

18 “**SECTION 490g.** 20.455 (2) (r) of the statutes is amended to read:

19 20.455 (2) (r) *Gaming law enforcement; lottery revenues.* From the lottery fund,
20 the amounts in the schedule for the performance of the department’s gaming law
21 enforcement responsibilities as specified in s. 165.70 (3m). No moneys may be
22 encumbered or expended from this appropriation account during the 1999–2001
23 fiscal biennium.”.

24 **273.** Page 369, line 17: after that line insert:

1 **SECTION 498t.** 20.485 (1) (title) of the statutes is amended to read:

2 20.485 (1) (title) HOME AND FACILITIES FOR VETERANS.

3 **SECTION 498v.** 20.485 (1) (gk) of the statutes is amended to read:

4 20.485 (1) (gk) *Institutional operations.* The amounts in the schedule for the
5 care of the Wisconsin ~~veterans home~~ Veterans Home and facilities. All moneys
6 received under par. (m) and s. 45.37 (9) (d) and (9d) shall be credited to this
7 appropriation.”.

8 **274.** Page 371, line 4: delete lines 4 to 9.

9 **275.** Page 374, line 2: after that line insert:

10 **SECTION 520m.** 20.505 (1) (kc) of the statutes is amended to read:

11 20.505 (1) (kc) *Capital planning and building construction services.* The
12 amounts in the schedule to provide capital planning services under s. 13.48 (5) and
13 building construction services under subch. V of ch. 16 on behalf of state agencies and
14 local professional baseball park districts created under subch. III of ch. 229 and to
15 transfer to the appropriation account under s. 20.505 (1) (kw) the amount in the
16 schedule under s. 20.505 (1) (kw). The secretary of administration may credit
17 moneys received for the provision of building construction and capital planning
18 services on behalf of state agencies and such districts to this appropriation account.

19 **SECTION 520n.** 20.505 (1) (kc) of the statutes, as affected by 1999 Wisconsin Act
20 (this act), is amended to read:

21 20.505 (1) (kc) *Capital planning and building construction services.* The
22 amounts in the schedule to provide capital planning services under s. 13.48 (5) and
23 building construction services under subch. V of ch. 16 on behalf of state agencies and
24 local professional baseball park districts created under subch. III of ch. 229 ~~and to~~

1 ~~transfer to the appropriation account under s. 20.505 (1) (kw) the amount in the~~
2 ~~schedule under s. 20.505 (1) (kw).~~ The secretary of administration may credit
3 moneys received for the provision of building construction and capital planning
4 services on behalf of state agencies and such districts to this appropriation account.”.

5 **276.** Page 374, line 3: delete lines 3 to 18.

6 **277.** Page 376, line 6: after that line insert:

7 “**SECTION 527s.** 20.505 (1) (kw) of the statutes is created to read:

8 20.505 (1) (kw) *Grant to Heritage Military Music Foundation.* The amounts in
9 the schedule to provide a grant to the Heritage Military Music Foundation, as
10 provided in s. 16.853. All moneys transferred from the appropriation account under
11 par. (kc) shall be credited to this appropriation account.

12 **SECTION 527t.** 20.505 (1) (kw) of the statutes, as created by 1999 Wisconsin Act
13 (this act), is repealed.”.

14 **278.** Page 376, line 23: delete the material beginning with that line and
15 ending with page 377, line 3.

16 **279.** Page 383, line 16: delete lines 16 to 18.

17 **280.** Page 383, line 22: delete lines 22 to 24.

18 **281.** Page 386, line 3: delete lines 3 to 5.

19 **282.** Page 387, line 25: after that line insert:

20 “**SECTION 586h.** 20.505 (8) (hm) 18j. of the statutes is created to read:

21 20.505 (8) (hm) 18j. The amount transferred to s. 20.445 (7) (kd) shall be the
22 amount in the schedule under s. 20.445 (7) (kd).”.

23 **283.** Page 389, line 10: delete lines 10 to 13.

1 **284.** Page 389, line 15: delete lines 15 to 18.

2 **285.** Page 389, line 24: after that line insert:

3 “**SECTION 591gb.** 20.515 (2) (title) of the statutes is created to read:

4 20.515 (2) (title) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM.

5 **SECTION 591gd.** 20.515 (2) (title) of the statutes, as created by 1999 Wisconsin
6 Act (this act), section 591gb, is repealed.

7 **SECTION 591gm.** 20.515 (2) (a) of the statutes is created to read:

8 20.515 (2) (a) *Private employer health care coverage program; operating costs.*

9 Biennially, the amounts in the schedule for the operating costs relating to the private
10 employer health care coverage program under subch. X of ch. 40.

11 **SECTION 591go.** 20.515 (2) (a) of the statutes, as created by 1999 Wisconsin Act
12 (this act), section 591gm, is repealed.

13 **SECTION 591gt.** 20.515 (2) (b) of the statutes is created to read:

14 20.515 (2) (b) *Grant for program administrator's costs.* Biennially, the amounts
15 in the schedule for the grant under 1999 Wisconsin Act (this act), section 22 (3).

16 **SECTION 591gv.** 20.515 (2) (b) of the statutes, as created by 1999 Wisconsin Act
17 (this act), section 591gt, is repealed.

18 **SECTION 591gx.** 20.515 (2) (g) of the statutes is created to read:

19 20.515 (2) (g) *Private employer health care coverage plan.* All moneys received
20 under subch. X of ch. 40 from employers who elect to participate in the private
21 employer health care coverage program under subch. X of ch. 40, for the costs of
22 designing, marketing and contracting for or providing administrative services for
23 the program.

1 **SECTION 591gy.** 20.515 (2) (g) of the statutes, as created by 1999 Wisconsin Act
2 (this act), 591gx, is repealed.”.

3 **286.** Page 391, line 10: delete that line and substitute “77. Three percent An
4 amount equal to 2.55% of all moneys received from the taxes”.

5 **287.** Page 391, line 20: after that line insert:

6 “**SECTION 595g.** 20.566 (2) (am) of the statutes is created to read:

7 20.566 (2) (am) *Lottery credit administration.* The amounts in the schedule for
8 the administration of the lottery credit. No moneys may be encumbered or expended
9 from this appropriation account after the day of publication of the 2001–03 biennial
10 budget act.

11 **SECTION 595m.** 20.566 (2) (r) of the statutes is amended to read:

12 20.566 (2) (r) *Lottery credit administration.* From the lottery fund, the
13 amounts in the schedule for the administration of the lottery credit. No moneys may
14 be encumbered or expended from this appropriation account during the 1999–2001
15 fiscal year biennium.”.

16 **288.** Page 391, line 25: after that line insert:

17 “**SECTION 596q.** 20.566 (8) (a) of the statutes is created to read:

18 20.566 (8) (a) *General program operations.* The amounts in the schedule for
19 general program operations under ch. 565. No moneys may be encumbered or
20 expended from this appropriation account after the day of publication of the 2001–03
21 biennial budget act.

22 **SECTION 596r.** 20.566 (8) (b) of the statutes is created to read:

23 20.566 (8) (b) *Retailer compensation.* A sum sufficient to pay compensation to
24 retailers under s. 565.10 (14) (b). No moneys may be encumbered or expended from

1 this appropriation account after the day of publication of the 2001–03 biennial
2 budget act.

3 **SECTION 596s.** 20.566 (8) (c) of the statutes is created to read:

4 20.566 **(8)** (c) *Vendor fees.* A sum sufficient to pay vendors for on–line and
5 instant ticket services and supplies provided by the vendors under contract under
6 s. 565.25 (2) (a). No moneys may be encumbered or expended from this appropriation
7 account after the day of publication of the 2001–03 biennial budget act.”.

8 **289.** Page 392, line 6: delete “~~(kg).~~” and substitute “~~(kg).~~ No moneys may be
9 encumbered or expended from this appropriation account during the 1999–2001
10 fiscal biennium.”.

11 **290.** Page 392, line 6: after that line insert:

12 “**SECTION 597c.** 20.566 (8) (r) of the statutes is amended to read:

13 20.566 **(8)** (r) *Retailer compensation.* From the lottery fund, a sum sufficient
14 to pay compensation to retailers under s. 565.10 (14) (b). No moneys may be
15 encumbered or expended from this appropriation account during the 1999–2001
16 fiscal biennium.

17 **SECTION 597f.** 20.566 (8) (v) of the statutes is amended to read:

18 20.566 **(8)** (v) *Vendor fees.* From the lottery fund, a sum sufficient to pay
19 vendors for on–line and instant ticket services and supplies provided by the vendors
20 under contract under s. 565.25 (2) (a). No moneys may be encumbered or expended
21 from this appropriation account during the 1999–2001 fiscal biennium.”.

22 **291.** Page 395, line 4: after that line insert:

23 “**SECTION 606t.** 20.835 (2) (dn) of the statutes is created to read:

1 20.835 (2) (dn) *Farmland tax relief credit*. A sum sufficient to pay the aggregate
2 claims approved under ss. 71.07 (3m) (c), 71.28 (2m) (c) and 71.47 (2m) (c). No moneys
3 may be encumbered or expended from this appropriation after the day of publication
4 of the 2001–03 biennial budget act.”.

5 **292.** Page 395, line 19: after that line insert:

6 “**SECTION 612p.** 20.835 (2) (q) of the statutes is amended to read:

7 20.835 (2) (q) *Farmland tax relief credit*. From the lottery fund, a sum
8 sufficient to pay the aggregate claims approved under ss. 71.07 (3m) (c), 71.28 (2m)
9 (c) and 71.47 (2m) (c). No moneys may be encumbered or expended from this
10 appropriation account during the 1999–2001 fiscal biennium.”.

11 **293.** Page 396, line 2: delete lines 2 to 5 and substitute:

12 “20.835 (4) (gg) *Local taxes*. ~~Ninety–seven percent of the All moneys received~~
13 ~~from the taxes imposed under s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch.~~
14 ~~77, for distribution to the districts under subch. II of ch. 229 that impose those taxes,~~
15 except that 2.55% of those moneys shall be credited to the appropriation account
16 under s. 20.566 (1) (gg).”.

17 **294.** Page 396, line 20: after that line insert:

18 “**SECTION 613km.** 20.855 (4) (f) of the statutes is amended to read:

19 20.855 (4) (f) *Supplemental title fee matching*. From the general fund, a sum
20 sufficient equal to the amount of supplemental title fees collected under s. 342.14
21 (3m) and s. 101.9208 (1) (dm), as determined under s. 85.037, to be transferred to the
22 environmental fund on October 1 annually.”.

23 **295.** Page 399, line 21: delete “~~and~~, (kd) and (km)” and substitute “and (kd)”.

24 **296.** Page 399, line 22: before “(aq),” insert “(ag)”.

1 **297.** Page 399, line 25: after “(bm).” insert “(bp).”.

2 **298.** Page 400, line 16: decrease the underscored dollar amount by
3 \$3,000,000.

4 **299.** Page 400, line 24: delete “\$404,000,000” and substitute “\$350,000,000”.

5 **300.** Page 400, line 25: delete “(5)” and substitute “(4g) (b), (4m) (k), (4r) (b),
6 (5) and (5m)”.

7 **301.** Page 401, line 1: delete “\$40,400,000” and substitute “\$35,000,00”.

8 **302.** Page 402, line 19: decrease the dollar amount by \$5,000,000.

9 **303.** Page 402, line 25: increase the dollar amount by \$5,000,000.

10 **304.** Page 403, line 21: after “s. 281.57” insert “and to upgrade or replace a
11 drinking water treatment plant under s. 281.57 (10t)”.

12 **305.** Page 403, line 25: delete “and (10r)” and substitute “, (10r) and (10t)”.

13 **306.** Page 405, line 23: delete “\$18,000,000” and substitute “\$22,000,000”.

14 **307.** Page 409, line 24: after that line insert:

15 “**SECTION 638x.** 20.866 (2) (zbp) of the statutes is created to read:

16 20.866 (2) (zbp) *Swiss cultural center.* From the capital improvement fund, a
17 sum sufficient for the building commission to provide grants to the organization
18 known as the Swiss Cultural Center to aid in the construction of a Swiss cultural
19 center in the village of New Glarus. The state may contract public debt in an amount
20 not to exceed \$1,000,000 for this purpose.”.

21 **308.** Page 411, line 18: after that line insert:

22 “**SECTION 641p.** 20.866 (2) (zh) (title) of the statutes is amended to read:

1 20.866 (2) (zh) (title) *Public instruction; state ~~schools~~ school, state center and*
2 *library facilities.*”.

3 **309.** Page 413, line 9: after that line insert:

4 “**SECTION 642x.** 20.867 (3) (bp) of the statutes is created to read:

5 20.867 (3) (bp) *Principal repayment, interest and rebates.* A sum sufficient to
6 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
7 in financing the construction of a Swiss cultural center in the village of New Glarus,
8 and to make the payments determined by the building commission under s. 13.488
9 (1) (m) that are attributable to the proceeds of obligations incurred in financing the
10 construction of a Swiss cultural center in the village of New Glarus.”.

11 **310.** Page 413, line 10: delete the material beginning with that line and
12 ending with page 414, line 2.

13 **311.** Page 414, line 3: after that line insert:

14 “**SECTION 643p.** 20.907 (1c) of the statutes is created to read:

15 20.907 (1c) RECEIPT OF CERTAIN MONEYS. No state agency may collect or receive
16 any moneys, other than moneys received as forfeitures imposed under state law, from
17 any person pursuant to an agreement to settle a civil claim until the joint committee
18 on finance has approved the collection or receipt of the moneys.

19 **SECTION 643s.** 20.907 (1m) of the statutes is amended to read:

20 20.907 (1m) REPORTING. State agencies shall, by December 1 annually, submit
21 a report to the joint committee on finance and the department of administration on
22 expenditures made by the agency during the preceding fiscal year from nonfederal
23 funds received as gifts, grants, bequests or devises and from moneys, other than
24 moneys received as forfeitures imposed under state law, received from any person

1 pursuant to an agreement to settle a civil claim. The department of administration
2 shall prescribe a form, which the department may modify as appropriate for the
3 various state agencies, that each state agency must use to report its expenditures as
4 required under this subsection. The form shall require the expenditures to be
5 reported in aggregate amounts as determined by the department of administration.
6 The report shall also include a listing of in-kind contributions, including goods and
7 services, received and used by the state agency during the preceding fiscal year.”.

8 **312.** Page 414, line 21: after that line insert:

9 “**SECTION 645a.** 20.912 (4) of the statutes is amended to read:

10 20.912 (4) **INSOLVENT DEPOSITORIES.** When the bank, savings and loan
11 association, savings bank or credit union on which any check, share draft or other
12 draft is drawn by the state treasurer before payment of such check, share draft or
13 other draft becomes insolvent or is taken over by the division of banking, division of
14 savings and loan institutions, the federal home loan bank board, the U.S. office of
15 thrift supervision, the federal deposit insurance corporation, the resolution trust
16 corporation, the office of credit unions, the administrator of federal credit unions or
17 the U.S. comptroller of the currency, the state treasurer shall on the demand of the
18 person in whose favor such check, share draft or other draft was drawn and upon the
19 return to the treasurer of such check, share draft or other draft issue a replacement
20 for the same amount.”.

21 **313.** Page 415, line 8: delete lines 8 to 10.

22 **314.** Page 415, line 18: after that line insert:

23 “**SECTION 648r.** 20.923 (6) (hq) of the statutes is created to read:

24 20.923 (6) (hq) State fair park board: staff employees.”.

1 **315.** Page 415, line 18: after that line insert:

2 “**SECTION 648r.** 20.923 (6) (mm) of the statutes is created to read:

3 20.923 (6) (mm) University of Wisconsin System: all positions specified in s.
4 230.08 (2) (km).”.

5 **316.** Page 415, line 22: delete that line and substitute “structure or facility,
6 or portion thereof, under s. 301.19 (2) (a) or approve the construction or conversion
7 of any building, structure or facility under s. 301.19 (2) (a) for initial occupancy”.

8 **317.** Page 418, line 16: delete lines 16 to 18.

9 **318.** Page 418, line 18: after that line insert:

10 “**SECTION 649x.** 20.926 of the statutes is created to read:

11 **20.926 State spending for certain billboards prohibited.** No state
12 constitutional officer, other than the governor, may expend state funds, other than
13 funds disbursed under ch. 11, to place his or her name or any picture or other likeness
14 of himself or herself on a billboard or on any other outdoor sign that is used for the
15 purpose of advertising or providing information to the public.”.

16 **319.** Page 418, line 25: after that line insert:

17 “**SECTION 650d.** 20.9273 of the statutes is created to read:

18 **20.9273 Prohibitions on funding for family planning services. (1)** In
19 this section:

20 (a) “Family planning” means voluntary action by individuals to prevent or aid
21 conception. “Family planning” includes the performance, promotion,
22 encouragement or counseling in favor of, or referral either directly or through an
23 intermediary for, voluntary termination of pregnancy, but does not include the
24 providing of nondirective information explaining any of the following:

1 1. Prenatal care and delivery.

2 2. Infant care, foster care or adoption.

3 (b) “Family planning services” mean counseling by trained personnel
4 regarding family planning; distribution of information relating to family planning;
5 and referral to licensed nurse practitioners within the scope of their practice,
6 licensed physicians or local health departments for consultation, examination,
7 medical treatment and prescriptions for the purpose of family planning.

8 (2) Except for the provision of family planning services under ss. 49.43 to
9 49.499, no state agency or local governmental unit may authorize payment of funds
10 of this state, of any local governmental unit or of federal funds passing through the
11 state treasury for the provision of family planning services.”.

12 **320.** Page 418, line 25: after that line insert:

13 “SECTION 650r. 20.9274 of the statutes is created to read:

14 **20.9274 Prohibition on the use of public employes and public property**
15 **to perform abortions or engage in abortion-related activity. (1)** It is the
16 intent of the legislature that this section shall further the profound and compelling
17 state interest in protecting the life of an unborn child throughout pregnancy by
18 favoring childbirth over abortion and implementing that value judgment through
19 the allocation of public resources.

20 (2) In this section:

21 (a) “Abortion” has the meaning given in s. 253.10 (2) (a).

22 (b) “Authority” means an authority created in chs. 231 and 233.

23 (c) “Local governmental unit” means a city, village, town or county or an agency
24 or subdivision of a city, village, town or county.

1 (d) “Public property” means a public facility, public institution or other building
2 or part of a building that is owned, leased or controlled by the state, a state agency,
3 a local governmental unit or an authority, or any equipment or other physical asset
4 that is owned, leased or controlled by the state, a state agency, a local governmental
5 unit or an authority.

6 (e) “State agency” means an office, department, agency, institution of higher
7 education, association, society or other body in state government created or
8 authorized to be created by the constitution or any law, which is entitled to expend
9 moneys appropriated by law, including the legislature and the courts.

10 **(3)** Beginning on the effective date of this subsection [revisor inserts date],
11 no person employed by this state, by a state agency, by a local governmental unit or
12 by an authority may do any of the following while acting within the scope of his or
13 her employment:

14 (a) Provide or assist in providing an abortion, unless the abortion is directly and
15 medically necessary to save the life of the pregnant woman.

16 (b) Aid or encourage a pregnant woman to have an abortion, unless the abortion
17 is directly and medically necessary to save the life of the pregnant woman.

18 (c) Make abortion referrals either directly or through an intermediary, unless
19 the abortion is directly and medically necessary to save the life of the pregnant
20 woman.

21 (d) Provide instruction on how to perform a medical treatment or surgical
22 procedure for the purpose of performing or inducing an abortion.

23 **(4)** (a) Except as provided in pars. (b) and (c), beginning on the effective date
24 of this paragraph [revisor inserts date], no public property may be used to do any
25 of the following:

1 1. Provide or assist in providing an abortion, unless the abortion is directly and
2 medically necessary to save the life of the pregnant woman.

3 2. Aid or encourage a pregnant woman to have an abortion, unless the abortion
4 is directly and medically necessary to save the life of the pregnant woman.

5 3. Make abortion referrals either directly or through an intermediary, unless
6 the abortion is directly and medically necessary to save the life of the pregnant
7 woman.

8 4. Provide instruction on how to perform a medical treatment or surgical
9 procedure for the purpose of performing or inducing an abortion.

10 (b) Paragraph (a) does not prohibit a private person from using police or fire
11 protection services or any services provided by a public utility.

12 (c) Paragraph (a) does not apply to public property that is leased to a private
13 person under a lease agreement entered into before the effective date of this
14 paragraph [revisor inserts date], until the date on which the lease agreement
15 expires or is extended, modified or renewed.

16 (5) (a) Any person who violates sub. (3) shall be required to forfeit not more than
17 \$1,000 for each offense.

18 (b) Any person who violates sub. (4) shall be required to forfeit not more than
19 \$5,000 for each offense.

20 (c) The penalties under pars. (a) and (b) may not be construed to limit the power
21 of the state, a state agency, a local governmental unit or an authority to discipline
22 an employe.”.

23 **321.** Page 419, line 4: after that line insert:

24 “**SECTION 651d.** 20.9275 (1) (e) of the statutes is amended to read:

1 20.9275 (1) (e) “Pregnancy program, project or service” means a program,
2 project or service of an organization that provides services for pregnancy prevention,
3 family planning, as defined in s. ~~253.07 (1) (a)~~ 49.001 (1r), pregnancy testing,
4 pregnancy counseling, prenatal care, pregnancy services and reproductive health
5 care services that are related to pregnancy.”.

6 **322.** Page 419, line 12: after that line insert:

7 “SECTION 652g. 20.9276 of the statutes is created to read:

8 **20.9276 Prohibitions on funding for contraceptive articles prescribed**
9 **for minors without parental consent. (1)** In this section:

10 (a) “Contraceptive article” means any drug, medicine, mixture, preparation,
11 instrument, article or device of any nature or any hormonal compound that is taken
12 orally, that is approved by the federal food and drug administration for use to prevent
13 a pregnancy and that is prescribed by a licensed health care provider for use to
14 prevent a pregnancy. “Contraceptive article” does not include any drug, medicine,
15 mixture, preparation, instrument, article or device of any nature prescribed for use
16 in terminating the pregnancy of a woman who is known by the prescribing licensed
17 health care provider to be pregnant.

18 (b) “Entity” has the meaning given in s. 180.0103 (8), except that “entity” does
19 not mean the United States or a foreign government and “entity” includes a nonprofit
20 corporation, as defined in s. 66.504 (1) (b).

21 (c) “Family planning services” has the meaning given in s. 49.001 (1s).

22 (d) “Local governmental unit” means a city, village, town or county or an agency
23 or subdivision of a city, village, town or county.

1 (e) “Program funds” means all of the following funds distributed or attributable
2 to an entity, public agency or individual for providing family planning services:

3 1. Funds specified under sub. (2).

4 2. Income derived from a grant, subsidy or other funding specified under sub.
5 (2) or from family planning services funded by a grant, subsidy or other funding
6 specified under sub. (2).

7 3. Funds that are matching funds to a grant, subsidy or other funding specified
8 under sub. (2).

9 (f) “Public agency” has the meaning given in s. 46.93 (1m) (e).

10 (g) “State agency” has the meaning given in s. 20.9275 (1) (g).

11 **(2)** No state agency or local governmental unit may authorize payment of funds
12 of this state, of any local governmental unit or, subject to sub. (4), of federal funds
13 passing through the state treasury as a grant, subsidy or other funding that wholly
14 or partially funds family planning services, if the entity, public agency or individual
15 that receives the funding prescribes a contraceptive article for a minor other than a
16 married or emancipated minor, as defined in s. 48.375 (2) (e), without the written
17 consent of one of the minor’s parents or his or her legal guardian or custodian.

18 **(3)** Subject to sub. (4), no entity, public agency or individual that receives funds
19 specified under sub. (2) may use program funds to prescribe a contraceptive article
20 for a minor other than a married or emancipated minor, as defined in s. 48.375 (2)
21 (e), without the written consent of one of the minor’s parents or his or her legal
22 guardian or custodian.

23 **(4)** The restriction under subs. (2) and (3) on the authorization of payment and
24 the use of federal funds passing through the state treasury shall apply only to the

1 extent that the application of the restriction does not result in the loss of any federal
2 funds.

3 (5) If an entity, public agency or individual that receives funds specified under
4 sub. (2) violates sub. (3), all of the following shall apply:

5 (a) The entity, public agency or individual may not receive funds specified
6 under sub. (2) for 24 months after the date on which the state agency or local
7 governmental unit last authorized payment or the date on which the entity, public
8 agency or individual last violated sub. (3), whichever is later.

9 (b) The grant, subsidy or other funding under which an entity, public agency
10 or individual has used funds in violation of sub. (3) is terminated; and the entity,
11 public agency or individual shall return to the state agency or local governmental
12 unit all funds that have been paid to the entity, public agency or individual under the
13 grant, subsidy or other funding.

14 (6) If a state agency or local governmental unit authorizes payment in violation
15 of sub. (2), the grant, subsidy or other funding under which the state agency or local
16 governmental unit authorized payment in violation of sub. (2), is terminated; and the
17 entity, public agency or individual shall return to the state agency or local
18 governmental unit funds that have been paid to the entity, public agency or
19 individual under the grant, subsidy or other funding.”.

20 **323.** Page 419, line 12: after that line insert:

21 “SECTION 652d. 20.9275 (2m) (intro.) of the statutes is amended to read:

22 20.9275 (2m) (intro.) Nothing in sub. (2) prohibits the ~~providing of nondirective~~
23 ~~information explaining promotion, encouragement or counseling in favor of, or~~
24 referral either directly or through an intermediary for, any of the following:

1 **SECTION 652e.** 20.9275 (2m) (c) of the statutes is repealed.

2 **SECTION 652f.** 20.9275 (2n) of the statutes is created to read:

3 20.9275 **(2n)** None of the funds specified under sub. (2) (intro.) may be paid to
4 an organization or affiliate of an organization that engages in an activity that is
5 specified under sub. (2) (a) 1. to 3.

6 **SECTION 652g.** 20.9275 (3) of the statutes is amended to read:

7 20.9275 **(3)** Subject to sub. (3m), no organization that receives funds specified
8 under sub. (2) (intro.) may use program funds or any other public funds for an activity
9 that is specified under sub. (2) (a) 1. to 3. No organization that receives funds
10 specified under sub. (2) (intro.) may transfer any program funds or any other public
11 funds to an organization or affiliate of an organization that engages in an activity
12 that is specified under sub. (2) (a) 1. to 3.”.

13 **324.** Page 431, line 15: after that line insert:

14 “(am) “Available bonding authority” means the annual bonding authority as it
15 may be adjusted under sub. (4g) (b), (4m) (k), (4r) (b), (5) or (5m).”.

16 **325.** Page 431, line 22: after that line insert:

17 “(dm) “Nonprofit conservation organization” has the meaning given in s.
18 23.0955 (1).”.

19 **326.** Page 432, line 5: after that line insert:

20 “(h) “State conservation reserve enhancement subprogram” means the
21 subprogram under sub. (2) (a) 5.

22 “(i) “Total bonding authority” means the total amount that may be obligated
23 under a subprogram under the Warren Knowles–Gaylord Nelson stewardship 2000
24 program over the entire duration of the program.”.

1 **327.** Page 432, line 7: delete “for conservation and recreational purposes”.

2 **328.** Page 432, line 9: after “acquisition” insert “for conservation or
3 recreational”.

4 **329.** Page 432, line 10: after that line insert:

5 “3. A subprogram for bluff protection.

6 4. A subprogram for land acquisition in the Baraboo Hills for conservation
7 purposes.

8 5. A subprogram to enable the state to participate in the state conservation
9 reserve enhancement program as approved by the secretary of the federal
10 department of agriculture under 16 USC 3834 (f) (4).”.

11 **330.** Page 432, line 11: substitute “Except as provided in sub. (5m), no” for
12 “No”.

13 **331.** Page 433, line 8: delete that line.

14 **332.** Page 433, line 10: delete that line.

15 **333.** Page 433, line 11: delete lines 11 to 12 and substitute:

16 “(dm) Except as provided in subs. (4m) (k), (4r) (b), (5) and (5m), the department
17 may not obligate under the subprogram for land acquisition more than the following
18 amounts:

19 1. For fiscal year 2000–01, \$10,000,000.

20 2. For fiscal year 2001–02, \$13,500,000.

21 3. For fiscal year 2002–03, \$15,500,000.

22 4. For fiscal year 2003–04, \$19,000,000.

1 5. For each fiscal year beginning with 2004–05 and ending with fiscal year
2 2009–10, \$19,500,000.”.

3 **334.** Page 434, line 9: delete lines 9 to 19 and substitute:

4 “(dm) Except as provided in subs. (4r) (b) and (5), the department may not
5 obligate under the subprogram for property development and local assistance more
6 than the following amounts:

7 1. For fiscal year 2000–01, \$8,100,000.

8 2. For fiscal year 2001–02, \$11,000,000.

9 3. For fiscal year 2002–03, \$12,700,000.

10 4. For each fiscal year beginning with 2003–04 and ending with fiscal year
11 2009–10, \$15,500,000.”.

12 **335.** Page 434, line 21: after that line insert:

13 “(4g) BLUFF PROTECTION. (a) Except as provided in par. (b) and subs. (4r) (b) and
14 (5), the department may not obligate under the subprogram for bluff protection more
15 than the following amounts:

16 1. For fiscal year 2000–01, \$1,900,000.

17 2. For each fiscal year beginning with 2001–02 and ending with fiscal year
18 2003–04, \$500,000.

19 (b) If the total amount obligated for the subprogram for bluff protection on June
20 30, 2004, is less than \$3,400,000, the department shall calculate the unobligated
21 amount by subtracting the total obligated amount from \$3,400,000. The department
22 shall then adjust the available bonding authority for the subprogram for property
23 development and local assistance by increasing the available bonding authority in
24 an amount equal to the unobligated amount.

1 (c) The department may not obligate moneys for the subprogram for bluff
2 protection after June 30, 2004.

3 **(4m)** BARABOO HILLS. (a) *Definitions.* In this subsection:

4 1. “Assigned amount” means the sum of the amounts made available for
5 expenditure under par. (g) and the amounts set aside by the department under par.
6 (h) 1.

7 2. “Federal nontransportation moneys” means moneys received from the
8 federal government that are not deposited in the transportation fund and that are
9 not credited to the appropriations under ss. 20.115 (2) (m) and 20.445 (1) (ox).

10 3. “Local governmental unit” means a city, village, town, county, lake sanitary
11 district, as defined in s. 30.50 (4q) or a public inland lake protection and
12 rehabilitation district.

13 4. “Nonprofit conservation organization” has the meaning given in s. 23.0955
14 (1).

15 (b) *Matching funding.* The department shall provide funding under the
16 subprogram for the Baraboo Hills to match the value of land acquisitions that are
17 certified as qualifying matching land acquisitions under par. (e).

18 (c) *Overall requirements.* 1. Except as provided in sub. (4r) (b), the department
19 may obligate not more than \$5,000,000 under the subprogram for the Baraboo Hills.

20 2. The amount of moneys, other than federal moneys, that may be used by local
21 governmental units or nonprofit conservation organizations to make land
22 acquisitions that are certified as qualifying matching land acquisitions under par.
23 (e) may not exceed \$2,500,000.

24 3. Land that is either certified as a qualifying matching land acquisition under
25 par. (e) or (h) 2. or acquired with moneys made available for expenditure under par.

1 (g) or (h) 2. may not be department land or land that is otherwise owned or under the
2 jurisdiction of the state on the effective date of this subdivision [revisor inserts
3 date].

4 (d) *Matching land acquisitions; requirements.* The department may only
5 certify as a qualifying matching land acquisition in the Baraboo Hills an acquisition
6 to which all of the following apply:

7 1. The land is being acquired for conservation purposes.

8 2. The land is being acquired by the federal government, by a local
9 governmental unit or by a nonprofit conservation organization.

10 3. Any federal moneys being used for the acquisition are federal
11 nontransportation moneys.

12 (e) *Matching land acquisitions; certification.* The department shall certify
13 which land acquisitions qualify as matching land acquisitions for the subprogram for
14 the Baraboo Hills and shall determine the values of these matching land acquisitions
15 as provided in par. (f).

16 (f) *Matching land acquisitions; valuation.* The value of a land acquisition that
17 is certified as a qualifying matching land acquisition under par. (e) shall be
18 calculated as follows:

19 1. For land that is acquired by purchase at fair market value, the value shall
20 equal the sum of the purchase price and the costs incurred by the federal
21 government, local governmental unit or nonprofit conservation organization in
22 acquiring the land.

23 2. For land that is acquired by gift or bequest or by purchase at less than fair
24 market value, the value shall equal the sum of the appraised fair market value of the
25 land at the time of the acquisition and the costs incurred by the acquiring entity in

1 acquiring the land. The acquiring entity shall supply the appraisal upon which the
2 appraised fair market value is based.

3 (g) *Matching land acquisitions; available moneys.* For each land acquisition
4 that is certified as a qualifying matching land acquisition under par. (e) the
5 department shall make available for expenditure moneys in an amount that equals
6 the value of the land acquisition, as calculated under par. (f). This paragraph does
7 not apply to a land acquisition that is acquired with moneys committed by the federal
8 government, local governmental unit or nonprofit conservation organization under
9 par. (h).

10 (h) *Matching land acquisitions; future commitments.* 1. In addition to the
11 moneys made available for expenditure under par. (g), the department shall set aside
12 moneys in amounts that equal amounts that the federal government, local
13 governmental units or nonprofit conservation organizations commit for the
14 acquisition of land in the Baraboo Hills for conservation purposes. Federal moneys
15 that are committed under this paragraph shall be federal nontransportation
16 moneys. The department may set aside moneys under this paragraph only for
17 commitments that are made before January 1, 2006.

18 2. For each land acquisition that is made by using moneys that are committed
19 by the federal government, a local governmental unit or a nonprofit conservation
20 organization under this paragraph and that is certified as a qualifying matching
21 land acquisition under par. (e), the department shall make available for expenditure
22 moneys in an amount that equals the value of the land acquisition, as calculated
23 under par. (f), after the acquisition is certified.

24 (i) *Available moneys; uses.* The moneys made available for expenditure under
25 par. (g) or (h) 2. may be used by the department to acquire land in the Baraboo Hills

1 for conservation purposes and to award grants to local governmental units and
2 nonprofit conservation organizations.

3 (j) *Available moneys; grant requirements.* A local governmental unit or
4 nonprofit conservation organization that receives a grant under par. (i) does not need
5 to provide any matching funding. Land acquired with moneys from a grant awarded
6 under par. (i) may not be certified by the department as a qualifying matching land
7 acquisition under par. (e). Grants awarded under par. (i) shall be used to acquire land
8 for conservation purposes in the Baraboo Hills.

9 (k) *Unassigned amount.* If the assigned amount for the subprogram for the
10 Baraboo Hills on January 1, 2006, is less than the available bonding authority, the
11 department shall calculate the unassigned amount by subtracting the assigned
12 amount from the available bonding authority. The department shall then adjust the
13 annual bonding authority for the subprogram for land acquisition by increasing its
14 annual bonding authority by an amount equal to this unassigned amount. The
15 department shall expend any assigned amount that has not been expended before
16 January 1, 2006, for acquisitions by the department of land for conservation
17 purposes and for grants that meet the requirements under par. (j).

18 (L) *Highway construction required.* No moneys may be obligated for the
19 subprogram for the Baraboo Hills before the department of transportation certifies
20 to the department of natural resources that highway construction that will result in
21 at least 4 traffic lanes has begun on the portion of USH 12 between the city of
22 Middleton and the village of Sauk City.

23 **(4r)** STATE CONSERVATION RESERVE ENHANCEMENT SUBPROGRAM. (a) *Limits.*
24 Except as provided in par. (b) 2. and sub. (5), the department may not obligate under

1 the subprogram for state conservation reserve enhancement more than the following
2 amounts:

3 1. For fiscal year 2000–01, \$10,000,000.

4 2. For fiscal year 2001–02, \$10,000,000.

5 3. For fiscal year 2002–03, \$6,300,000.

6 (b) *Transfers to other subprograms; removal of limits.* 1. If the available
7 bonding authority for a given fiscal year under the subprogram under this subsection
8 is more than the subprogram’s annual bonding authority, the department of
9 agriculture, trade and consumer protection may transfer an amount not to exceed
10 the difference between the subprogram’s available bonding authority less the annual
11 bonding authority to one or more of the other subprograms under sub. (3), (4), (4g)
12 or (4m) if the board of agriculture, trade and consumer protection determines that
13 all of the conditions under sub. (5) (e) apply.

14 2. If the total amount obligated for the state conservation reserve enhancement
15 subprogram on June 30, 2003, is less than \$26,300,000, the department of
16 agriculture, trade and consumer protection shall calculate the unobligated amount
17 by subtracting the obligated amount from \$26,300,000. The department of
18 agriculture, trade and consumer protection may then expend for this subprogram
19 any portion of or all of this unobligated amount in one or more subsequent fiscal
20 years.

21 3. The department of agriculture, trade and consumer protection may also
22 transfer a portion or all of the unobligated amount under subd. 2. to one or more of
23 the other subprograms under sub. (3), (4), (4g) or (4m) if the board of agriculture,
24 trade and consumer protection determines that all of the conditions under sub. (5)
25 (e) apply.”.

1 **336.** Page 434, line 22: delete lines 22 to 25 and substitute:

2 “(5) ADJUSTMENTS FOR SUBSEQUENT FISCAL YEARS. (a) If for a given fiscal year
3 the amount from the moneys appropriated under s. 20.866 (2) (ta) for a subprogram
4 under sub. (3), (4), (4g) or (4r) is less than the annual bonding authority for that
5 subprogram for that given fiscal year, the department that obligates moneys under
6 the subprogram shall adjust”.

7 **337.** Page 435, line 6: delete lines 6 to 9 and substitute:

8 “(b) If for a given fiscal year the amount from the moneys appropriated under
9 s. 20.866 (2) (ta) for a subprogram under sub. (3), (4), (4g) or (4r) is more than the
10 annual bonding authority for that subprogram for that given fiscal year, the
11 department that obligates moneys under the subprogram shall adjust the annual
12 bonding authority for that”.

13 **338.** Page 435, line 13: after “(c)” insert “, (cm), (d)”.

14 **339.** Page 435, line 14: substitute “(e)” for “(d)”.

15 **340.** Page 435, line 16: substitute “(3), (4) or (4g)” for “(3) or (4)”.

16 **341.** Page 435, line 19: after that line insert:

17 “(cm) The department of agriculture, trade and consumer protection may not
18 obligate in a fiscal year an amount from the moneys appropriated under s. 20.866 (2)
19 (ta) for the subprogram under sub. (4r) that exceeds the amount equal to the annual
20 bonding authority for that subprogram as it may have been previously adjusted
21 under pars. (a) and (b), except as provided in par. (e).”.

22 **342.** Page 435, line 21: substitute “(3), (4) or (4g)” for “(3) or (4)”.

23 **343.** Page 436, line 9: after that line insert:

1 “(e) For a given fiscal year, in addition to obligating the amount of the annual
2 bonding authority for the subprogram under sub. (4r), or the amount equal to the
3 annual bonding authority for that subprogram, as adjusted under pars. (a) and (b),
4 whichever amount is applicable, the department of agriculture, trade and consumer
5 protection may also obligate for that subprogram up to 100% of the subprogram’s
6 annual bonding authority for that given fiscal year if the board of agriculture, trade
7 and consumer protection determines that the conditions specified in par. (d) 1. to 3.
8 apply.

9 **(5m)** ADJUSTMENTS FOR LAND ACQUISITIONS. (a) Beginning in fiscal year
10 1999–2000, the department, subject to the approval of the governor and the joint
11 committee on finance under sub. (6), may obligate under the subprogram for land
12 acquisition any amount not in excess of the total bonding authority for that
13 subprogram for the acquisition of land.

14 (b) For each land acquisition transaction under this subsection, all of the
15 following apply:

16 1. The department shall sell a portion of the acquired land.

17 2. All proceeds from the sale of the land up to the amount obligated under par.
18 (a) as determined by the secretary of administration shall be deposited into the
19 general fund and credited to the appropriation account under s. 20.370 (7) (ag).
20 Notwithstanding s. 25.29 (1) (a), the proceeds in excess of the amount obligated
21 under par. (a) shall be deposited into the general fund.

22 3. For bonds that are retired from the proceeds of the sale of the acquired land
23 within 3 years after the date that the land was acquired by the department, the
24 department shall adjust the available bonding authority for the subprogram for land
25 acquisition by increasing the available bonding authority for the fiscal year in which

1 the bonds are retired by an amount equal to the total amount of the bonds issued for
2 the sale that have been retired in that fiscal year.

3 4. For bonds that are not retired from the proceeds of the sale of the acquired
4 land within 3 years after the date that the land was acquired by the department, the
5 department shall adjust the available bonding authority for the subprogram for land
6 acquisition by decreasing the available bonding authority for the next fiscal year
7 beginning after the end of that 3–year period by an amount equal to the total amount
8 of the bonds that have been retired from such proceeds in that fiscal year and, if
9 necessary, shall decrease for each subsequent fiscal year the available bonding
10 authority in an amount equal to that available bonding authority or equal to the
11 amount still needed to equal the total amount of the bonds retired from such
12 proceeds, whichever is less, until the available bonding authority has been decreased
13 by an amount equal to the total of the bonds not retired.

14 (c) Notwithstanding sub. (2) (a) 1., land acquired under this subsection need
15 not be for conservation or recreational purposes.

16 (d) The department of administration shall monitor all transactions under this
17 subsection to ensure compliance with federal law and to ensure that interest on the
18 bonds is tax–exempt for the holders of the bonds.”.

19 **344.** Page 436, line 10: delete lines 10 to 19 and substitute:

20 **“(6) REVIEW BY JOINT COMMITTEE ON FINANCE.** (a) The department of natural
21 resources or the department of agriculture, trade and consumer protection may not
22 obligate from the appropriation under s. 20.866 (2) (ta) for a given project or activity
23 unless it first notifies the joint committee on finance in writing of the proposal. If the
24 cochairpersons of the committee do not notify the department making the proposal

1 within 14 working days after the date of that department's notification that the
2 committee has scheduled a meeting to review the proposal, the department making
3 the proposal may obligate the moneys. If, within 14 working days after the date of
4 the notification by the department making the proposal, the cochairpersons of the
5 committee notify that department that the committee has scheduled a meeting to
6 review the proposal, the department making the proposal may obligate the moneys
7 only upon approval of the committee.

8 (b) Paragraph (a) applies only to an amount for a project or activity that exceeds
9 \$250,000 except as provided in par. (c).

10 (c) Paragraph (a) applies to any land acquisition under sub. (5m).".

11 **345.** Page 436, line 21: substitute "(b), (c) and (dm)" for "(b) and (c)".

12 **346.** Page 437, line 2: after "price" insert ", except as provided in par. (dm)".

13 **347.** Page 437, line 5: after "increase" insert ", except as provided in par.
14 (dm)".

15 **348.** Page 437, line 12: after that line insert:

16 "(dm) The amount that the department provides as a grant or state aid from
17 the appropriation under s. 20.866 (2) (ta) to a governmental unit under s. 23.09 (19),
18 (20) or (20m) or 30.277 may not exceed an amount equal to the lowest property tax
19 assessment of the land under s. 70.32 in the three taxable years preceding the year
20 in which the acquisition of the land occurs.".

21 **349.** Page 438, line 4: after that line insert:

22 "(d) The department may not acquire land using moneys from the
23 appropriation under s. 20.866 (2) (ta) without the prior approval of a majority of the
24 members–elect, as defined in s. 59.001 (2m), of the county board of supervisors of the

1 county in which the land is located if at least 66% of the land in the county is owned
2 or under the jurisdiction of the state, the federal government or a local governmental
3 unit, as defined in s. 66.299 (1) (a). Before determining whether to approve the
4 acquisition, the county in which the land is located shall post notices that inform the
5 residents of the community surrounding the land of the possible acquisitions.

6 (e) If moneys from the appropriation under s. 20.866 (2) (ta) are used by a
7 nonprofit conservation organization or an organization under s. 23.197 (4) to acquire
8 land to which public access exists on the effective date of this paragraph [revisor
9 inserts date], the nonprofit conservation organization shall ensure that adequate
10 and appropriate public access, as determined by the department, continues to exist.”.

11 **350.** Page 438, line 9: after that line insert:

12 **“(9m) BARABOO HILLS; REIMBURSEMENT TO DEPARTMENT OF TRANSPORTATION.** (a)
13 Upon receipt of a certification from the secretary of transportation under s. 85.197
14 (7) for a given fiscal year, the department shall contract revenue obligations from the
15 appropriation under s. 20.866 (2) (ta) in an amount that equals the amount certified.
16 The proceeds from the revenue obligations shall be deposited into the transportation
17 fund and credited to the appropriation under s. 20.395 (3) (bs).

18 (b) The department shall designate the proceeds under par. (a) as having been
19 obligated from one or more of the subprograms under this section.”.

20 **351.** Page 444, line 21: after that line insert:

21 **“SECTION 665rc.** 23.0955 (2) (a) (intro.) of the statutes is amended to read:
22 23.0955 (2) (a) (intro.) ~~The~~ From the appropriation under s. 20.370 (5) (aw), the
23 department shall provide one grant of \$75,000 \$250,000 in fiscal year ~~1996–97 years~~
24 1999–2000 and 2000–01 to a nonstock, nonprofit corporation that is described under

1 section 501 (c) (3) or (4) of the ~~internal revenue code~~ Internal Revenue Code, in
2 existence on the effective date of this paragraph ... [revisor inserts date], and
3 organized in this state if the corporation meets all of the following requirements:

4 **SECTION 665rd.** 23.0955 (2) (a) 3. of the statutes is amended to read:

5 23.0955 (2) (a) 3. The corporation has a board of directors whose members
6 represent, to the greatest extent practicable, all geographic areas of the state and
7 that has a majority of members who are representatives of nonprofit conservation
8 organizations.

9 **SECTION 665re.** 23.0955 (2) (am) of the statutes is repealed.

10 **SECTION 665rf.** 23.0955 (2) (b) (intro.) of the statutes is amended to read:

11 23.0955 (2) (b) (intro.) A corporation receiving a grant under this subsection
12 shall do all of the following, but shall emphasize the activities described in subs. 1.
13 and 2.:

14 **SECTION 665rg.** 23.0955 (2) (b) 2m., 4. and 5. of the statutes are created to read:

15 23.0955 (2) (b) 2m. Assist nonprofit conservation organizations in acquiring
16 property for conservation purposes and in managing property acquired for
17 conservation purposes.

18 4. Acquire a property for conservation purposes where no other nonprofit
19 conservation organization exists that is willing to assist or capable of effectively
20 assisting in the transfer of the property or that can adequately manage the property
21 after it is acquired.

22 5. For each fiscal year, prepare a report detailing the activities for which a grant
23 under this section was expended, describing any property acquired by the
24 corporation and explaining how the acquisition of that property furthers the goal of

1 conservation in the state. Copies of the report shall be submitted to the department
2 and to the legislature under s. 13.172 (2).

3 **SECTION 665rh.** 23.0955 (3) of the statutes is created to read:

4 23.0955 (3) (a) Between January 1, 2004, and July 1, 2004, the department
5 shall prepare a comprehensive report describing the cost of, and accomplishments
6 achieved by, activities funded with grants under this section, commencing with the
7 grants provided in the 1999–2000 fiscal year. The report shall evaluate all of the
8 following:

9 1. How grants under this section have furthered the goal of encouraging private
10 resource conservation.

11 2. The extent to which grants under this section complement the resource
12 conservation goals of the department.

13 (b) The report shall contain a recommendation to the legislature on whether
14 the grant program under this section should be continued, eliminated or revised.

15 (c) The report shall be distributed to the speaker of the assembly and the
16 president of the senate under s. 13.172 (3).

17 **SECTION 665ri.** 23.0956 of the statutes is created to read:

18 **23.0956 Assistance for private conservation activities.** (1) From the
19 appropriation account under s. 20.370 (5) (aw), the department shall provide an
20 annual grant of \$85,000 in fiscal year 2000–01 to a nonstock, nonprofit corporation
21 that is described under section 501 (c) (3) or (4) of the Internal Revenue Code and
22 organized in the state if the corporation meets all of the following requirements:

23 (a) The corporation is exempt from taxation under section 501 (a) of the
24 Internal Revenue Code.

1 (b) The corporation was created to accept and to utilize private contributions
2 made to protect and enhance the state’s natural resources.

3 (2) A corporation receiving a grant under sub. (1) shall use the grant to do all
4 of the following:

5 (a) Encourage private corporations and other private entities to undertake
6 activities, including the contribution of money, that encourage management and
7 restoration of the state’s endangered wild animals, wild plants and natural
8 communities.

9 (b) Encourage private corporations and other private entities to engage in land
10 management practices that protect and preserve natural resources.

11 (c) Provide grants to nonprofit and other groups to encourage education,
12 restoration and management activities to enhance the state’s natural resources.”.

13 **352.** Page 448, line 4: after that line insert:

14 “**SECTION 667b.** 23.145 of the statutes is created to read:

15 **23.145 Restrictions on land acquisitions. (1)** In this section:

16 (a) “Assistance” means financial, technical or other assistance or support.

17 (b) “Interest in land” means land in fee simple, an easement or a property
18 development right or other partial interest in land.

19 (c) “Local governmental unit” means a city, village, town or county.

20 (d) “Members–elect” has the meaning given in s. 59.001 (2m).

21 (e) “Nonprofit conservation organization” has the meaning given in s. 23.0955

22 (1).

23 (2) The department may not provide assistance to a nonprofit conservation
24 organization or to the federal government in order to assist the nonprofit

1 conservation organization or the federal government in the acquisition of an interest
2 in land if the land to be acquired, or the land subject to the interest in land to be
3 acquired, exceeds 5,000 acres in area unless at least one of the following applies:

4 (a) The department submits a request for approval of an interest in the
5 assistance to any local governmental unit in which the land to be acquired is located
6 and a majority of the members–elect of the governing body of the local governmental
7 unit approves the department’s request.

8 (b) The department submits a request for approval of the assistance to the
9 governor and the governor approves the department’s request.

10 (3) The governor shall maintain a list of all requests for approval submitted by
11 the department under sub. (2) (b). For each request for approval, the list shall state
12 whether the governor approved or denied the request.”.

13 **353.** Page 448, line 4: after that line insert:

14 “SECTION 665zd. 23.10 (1m) of the statutes is created to read:

15 23.10 (1m) Not later than 180 days after the effective date of this subsection
16 (revisor inserts date), the department shall designate a conservation warden as
17 the chief warden and shall designate one or more deputy chief wardens. The chief
18 warden shall have the duty to direct, supervise and control conservation wardens in
19 the performance of their duties under sub. (1) and s. 29.921. The chief warden shall
20 designate an employe of the department as an internal affairs officer to investigate
21 complaints against conservation wardens when the chief warden determines an
22 investigation is necessary and shall designate an employe of the department as a
23 complaint officer to resolve complaints against conservation wardens.”.

24 **354.** Page 451, line 23: after that line insert:

1 “(5) MILWAUKEE LAKESHORE STATE PARK. (a) From the appropriation under s.
2 20.866 (2) (tz), the department may expend up to \$500,000 for the development of a
3 state park which will provide access to Lake Michigan in the city of Milwaukee. For
4 the purposes of s. 23.0915 (1), moneys provided from the appropriation under s.
5 20.866 (2) (tz) shall be treated as moneys expended for general property
6 development.

7 (b) From the appropriation under s. 20.866 (2) (ta), the department may expend
8 up to \$500,000 for the development of a state park which will provide access to Lake
9 Michigan in the city of Milwaukee. For purposes of s. 23.0917, moneys provided from
10 the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under
11 the subprogram for property development and local assistance.

12 (6) SHEBOYGAN; RIVERFRONT PARK. From the appropriation under s. 20.866 (2)
13 (tz), the department shall provide \$173,763 for the development and expansion of
14 Workers Water Street Riverfront Park in the city of Sheboygan. For purposes of s.
15 23.0915 (1), moneys provided from the appropriation under s. 20.866 (2) (tz) shall be
16 treated as moneys expended for any of the purposes specified under s. 23.0915 (1) (a)
17 to (k) or any combination of those purposes.”.

18 **355.** Page 457, line 16: after that line insert:

19 “**SECTION 672p.** 23.317 of the statutes is created to read:

20 **23.317 In-service training.** At least once during each fiscal biennium, the
21 department shall offer an in-service training course that provides training on the
22 topic of natural resources and public relations. The department may offer the
23 training course in one or more sessions during the fiscal biennium. The department
24 shall model its training course on the training course on the topic of natural resources

1 and public relations that is part of the course offerings of the University of
2 Wisconsin–Stevens Point on the effective date of this section [revisor inserts
3 date].”.

4 **356.** Page 459, line 21: after that line insert:

5 “SECTION 681g. 23.33 (4) (c) (title) of the statutes is amended to read:

6 23.33 (4) (c) (title) *Exceptions; municipal, state and utility operations; races and*
7 *derbies; land surveying operations.*

8 SECTION 681h. 23.33 (4) (c) 1m. of the statutes is created to read:

9 23.33 (4) (c) 1m. Paragraphs (a) and (b) do not apply to the operator of an
10 all-terrain vehicle who is engaged in land surveying operations, if safety does not
11 require strict adherence to the restrictions under pars. (a) and (b).”.

12 **357.** Page 462, line 19: after that line insert:

13 “SECTION 691c. 24.66 (3) (b) of the statutes is amended to read:

14 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
15 for a loan, the required repayment of which exceeds 10 years, shall be approved and
16 authorized for a unified school district by a majority vote of the members of the school
17 board at a regular or special meeting of the school board. Every vote so required shall
18 be by ayes and noes duly recorded. In addition, the application shall be approved for
19 a unified school district by a majority vote of the electors of the school district at a
20 ~~special election~~ referendum as provided under sub. (4).

21 SECTION 691d. 24.66 (4) of the statutes is amended to read:

22 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
23 by law to incur indebtedness for a particular purpose without first submitting the
24 question to its electors, the application for a state trust fund loan for that purpose

1 must be approved and authorized by a majority vote of the electors at a special
2 election referendum called, in accordance with s. 8.065, and noticed and held in the
3 manner provided for other ~~special elections~~ referenda. The notice of the election
4 referendum shall state the amount of the proposed loan and the purpose for which
5 it will be used.”.

6 **358.** Page 464, line 10: delete “Tobacco control” and substitute “Cigarette use
7 resistance education”.

8 **359.** Page 465, line 23: after that line insert:

9 “**SECTION 702m.** 25.29 (3m) of the statutes is created to read:

10 25.29 (3m) The department may not expend in any fiscal year an amount for
11 administration that exceeds 10% of the amounts in the fish and wildlife account of
12 the conservation fund.”.

13 **360.** Page 465, line 23: after that line insert:

14 “**SECTION 702m.** 25.29 (7) (intro.) of the statutes is amended to read:

15 25.29 (7) (intro.) All of the proceeds of the tax which is levied under s. 70.58, and
16 all moneys paid into the state treasury as the counties’ share of compensation of
17 emergency fire wardens under s. 26.14 shall be used for acquiring, preserving and
18 developing the forests of the state, including the acquisition of lands owned by
19 counties by virtue of any tax deed and of other lands suitable for state forests, and
20 for the development of lands so acquired and the conduct of forestry thereon,
21 including the growing and planting of trees; for forest and marsh fire prevention and
22 control; for grants to forestry cooperatives under s. 36.56; for compensation of
23 emergency fire wardens; for maintenance, permanent property and forestry

1 improvements; for other forestry purposes authorized by law and for the payment of
2 aid for forests as authorized in s. 28.11 and subchs. I and VI of ch. 77.”.

3 **361.** Page 466, line 16: after that line insert:

4 “**SECTION 704mh.** 25.40 (1) (fm) of the statutes is created to read:

5 25.40 (1) (fm) All moneys received as fees under s. 101.9208 (1), except fees
6 received under s. 101.9208 (1) (b), and all moneys received as fees under 101.9223.

7 **SECTION 704pd.** 25.40 (2) (b) 19g. of the statutes is created to read:

8 25.40 (2) (b) 19g. Section 20.143 (3) (sa).”.

9 **362.** Page 466, line 17: delete lines 17 to 23.

10 **363.** Page 467, line 21: delete “(2)” and substitute “(1) (b)”.

11 **364.** Page 468, line 22: delete “and (9m)”.

12 **365.** Page 470, line 6: delete “**Tobacco control**” and substitute “**Cigarette**
13 **use resistance education**”.

14 **366.** Page 470, line 7: delete “tobacco control” and substitute “cigarette use
15 resistance education”.

16 **367.** Page 470, line 8: delete that line and substitute:

17 “(a) The first \$15,000,000 of the moneys received in fiscal year 2000–01 under”.

18 **368.** Page 470, line 10: delete that line and substitute:

19 “(b) Beginning in fiscal year 2001–02, the first \$13,000,000 of the moneys”.

20 **369.** Page 470, line 14: delete that line and substitute “ss. 20.115 (4) (t) and
21 255.15.”.

22 **370.** Page 470, line 14: after that line insert:

23 “**SECTION 717xa.** 25.75 (1) (b) of the statutes is amended to read:

1 25.75 (1) (b) “Gross lottery revenues” means gross revenues from the sale of
2 lottery tickets and lottery shares under ch. 565 and revenues from the imposition of
3 fees, if any, under s. 565.10 (8) ~~and includes compensation, including bonuses, if any,~~
4 ~~paid to retailers under s. 565.10 (14), regardless of whether the compensation is~~
5 ~~deducted by the retailer prior to transmitting lottery ticket and lottery share~~
6 ~~revenues to the commission.~~

7 **SECTION 717xb.** 25.75 (1) (b) of the statutes, as affected by 1999 Wisconsin Act
8 (this act), is repealed and recreated to read:

9 25.75 (1) (b) “Gross lottery revenues” means gross revenues from the sale of
10 lottery tickets and lottery shares under ch. 565 and revenues from the imposition of
11 fees, if any, under s. 565.10 (8) and includes compensation, including bonuses, if any,
12 paid to retailers under s. 565.10 (14), regardless of whether the compensation is
13 deducted by the retailer prior to transmitting lottery ticket and lottery share
14 revenues to the commission.

15 **SECTION 717xf.** 25.75 (1) (c) 3. of the statutes is repealed.

16 **SECTION 717xg.** 25.75 (1) (c) 3. of the statutes is created to read:

17 25.75 (1) (c) 3. Amounts for other expenses including compensation paid to
18 retailers under s. 565.10 (14) and amounts paid to vendors for on-line services and
19 supplies provided by the vendors under contract under s. 565.25 (2) (a).

20 **SECTION 717xi.** 25.75 (3) (b) of the statutes is repealed.

21 **SECTION 717xj.** 25.75 (3) (b) of the statutes is created to read:

22 25.75 (3) (b) *Expenses.* No more than an amount equal to 10% of gross lottery
23 revenues for each year may be expended to pay the expenses for the operation and
24 administration of the lottery, except that expenses for the operation and
25 administration of the lottery may exceed 10% of gross lottery revenues if so approved

1 by the joint committee on finance under s. 13.10. In computing expenses subject to
2 the 10% limitation under this paragraph:

3 1. Compensation paid to retailers under s. 565.10 (14) shall not be included.

4 2. Capital expenditures may be amortized.

5 3. Payments to vendors for on–line services and supplies provided by the
6 vendors under contract under s. 565.25 (2) (a) shall be included.

7 4. Moneys appropriated from the lottery fund under s. 20.455 (2) (r) shall not
8 be included.

9 **SECTION 717ym.** 25.75 (3) (e) of the statutes is repealed.

10 **SECTION 717yn.** 25.75 (3) (e) of the statutes is created to read:

11 25.75 (3) (e) From the appropriation under s. 20.566 (2) (r), lottery proceeds
12 shall be used to offset department of revenue expenses in administering the lottery
13 credit.”.

14 **371.** Page 473, line 10: after that line insert:

15 “**SECTION 722tm.** 29.024 (2g) (a) 1. of the statutes is amended to read:

16 29.024 (2g) (a) 1. Any license issued under this chapter except for any group
17 fishing license issued under s. 29.193 (5).”.

18 **372.** Page 476, line 23: after that line insert:

19 “**SECTION 727m.** 29.193 (5) of the statutes is created to read:

20 29.193 (5) GROUP FISHING LICENSE FOR THE DEVELOPMENTALLY DISABLED. (a)

21 “Developmental disability” has the meaning given in s. 51.01 (5) (a).

22 (b) The department shall issue one–day group fishing licenses to groups
23 consisting of individuals with developmental disabilities and their caregivers. Not
24 more than 12 individuals may fish under the privilege conferred by each license.”.

1 **373.** Page 481, line 10: after that line insert:

2 “**SECTION 760m.** 29.563 (3) (a) 7m. of the statutes is created to read:

3 29.563 (3) (a) 7m. One-day group fishing issued under s. 29.193 (5): \$24.25.”.

4 **374.** Page 486, line 18: after that line insert:

5 “**SECTION 785m.** 30.103 of the statutes is amended to read:

6 **30.103 Identification of ordinary high-water mark by town sanitary**
7 **district.** A town sanitary district may identify the ordinary high-water mark of a
8 lake that lies wholly within unincorporated territory and wholly within the town
9 sanitary district. The department may not identify an ordinary high-water mark of
10 a lake that is different than the ordinary high-water mark identified by a town
11 sanitary district under this section. Notwithstanding s. 30.02, a dispute between a
12 town sanitary district and a riparian owner regarding the high-water mark
13 identified under this section shall be resolved by an administrative process as
14 established by rule by the public service commission.”.

15 **375.** Page 486, line 18: after that line insert:

16 “**SECTION 785dd.** 30.01 (1n) of the statutes is created to read:

17 30.01 (1n) “Drain” has the meaning given in s. 88.01 (8).

18 **SECTION 785dh.** 30.10 (2) of the statutes is amended to read:

19 30.10 (2) STREAMS. Except as provided under sub. (4) (c) and (d), all streams,
20 sloughs, bayous and marsh outlets, which are navigable in fact for any purpose
21 whatsoever, are declared navigable to the extent that no dam, bridge or other
22 obstruction shall be made in or over the same without the permission of the state.

23 **SECTION 785dm.** 30.10 (4) (d) of the statutes is created to read:

1 30.10 (4) (d) A drainage district drain operated by a county drainage board
2 under ch. 88 is not navigable unless it is shown, by means of a U.S. geological survey
3 map or other similarly reliable scientific evidence, that the drain was a navigable
4 stream before it became a district drain.

5 **SECTION 785dp.** 30.12 (1) (intro.) of the statutes is amended to read:

6 30.12 (1) GENERAL PROHIBITION. (intro.) Except as provided under ~~sub.~~ subs.
7 (4) and (4m), unless a permit has been granted by the department pursuant to
8 statute or the legislature has otherwise authorized structures or deposits in
9 navigable waters, it is unlawful.”.

10 **376.** Page 486, line 18: after that line insert:

11 “**SECTION 785m.** 30.058 of the statutes is created to read:

12 **30.058 Exemption from permit requirements for deposits in navigable**
13 **waters.** Notwithstanding s. 30.12, a riparian owner need not obtain a permit or
14 other approval from the department to place riprap or similar material as a bulkhead
15 and to fill the area landward from the bulkhead on the bed of a navigable lake if all
16 of the following apply:

17 (1) The riparian owner is an individual who has owned for at least 25 years the
18 land abutting the bed where the bulkhead and fill is to be placed.

19 (2) The riparian owner has committed at least 30 acres of his or her land to
20 environmental or conservation purposes.

21 (3) The area to be filled does not exceed 7 acres.

22 (4) The lake is an inland lake that is located in a county that meets all of the
23 following conditions:

24 (a) The county seat abuts a different inland lake.

1 (b) The population of the county is at least 135,000 but not more than 145,000,
2 as shown in the 1990 federal decennial census.”.

3 **377.** Page 487, line 4: after that line insert:

4 “**SECTION 792m.** 30.12 (4m) of the statutes is created to read:

5 30.12 **(4m)** DRAINAGE DISTRICT STRUCTURES AND DEPOSITS. (a) Subsection (1) does
6 not apply to a structure or deposit that a county drainage boards places in a drain
7 that the board operates within a drainage district under ch. 88 if either of the
8 following applies:

9 1. The department of agriculture, trade and consumer protection, after
10 consulting with the department of natural resources, specifically approves the
11 structure or deposit.

12 2. The structure or deposit is required, under rules promulgated by the
13 department of agriculture, trade and consumer protection, in order to conform the
14 drain to specifications approved by the department of agriculture, trade and
15 consumer protection after consulting with the department of natural resources.

16 (b) The exemption from sub. (1) under par. (a) does not apply to a drain that is
17 classified as a Class I trout stream on the effective date of this paragraph [revisor
18 inserts date] by the department of natural resources under rules promulgated under
19 s. 23.09 (2) (m).”.

20 **378.** Page 489, line 13: after that line insert:

21 “**SECTION 802mg.** 30.20 (1) (b) of the statutes is amended to read:

22 30.20 **(1)** (b) Except as provided under ~~par. (e)~~ pars. (c) and (d), no person may
23 remove any material from the bed of any lake or stream not mentioned under par.
24 (a) without first obtaining a permit from the department under sub. (2) (c).

1 **SECTION 802mr.** 30.20 (1) (d) of the statutes is created to read:

2 30.20 (1) (d) A county drainage board may without a permit under sub. (2) (c)
3 remove material from a drain that the county drainage board operates in a drainage
4 district under ch. 88 if all of the following apply:

5 1. The removal is required, under rules promulgated by the department of
6 agriculture, trade and consumer protection, in order to conform the drain to
7 specifications imposed by the department of agriculture, trade and consumer
8 protection after consulting with the department of natural resources.

9 2. The drain is not classified as a Class I trout stream on the effective date of
10 this subdivision [revisor inserts date], by the department of natural resources
11 under rules promulgated under s. 23.09 (2) (m).”.

12 **379.** Page 489, line 21: after “in bluff land” insert “along the Great Lakes”.

13 **380.** Page 493, line 8: after that line insert:

14 “**SECTION 847y.** 30.475 of the statutes is created to read:

15 **30.475 Closed area. (1)** In this section, “Mazomanie unit” means land that
16 is all of the following:

17 (a) Located in sections 28, 29, 30, 31 and 32 in township 9 north, range 6 east
18 in the Lower Wisconsin State Riverway.

19 (b) Owned or leased by this state.

20 (c) Under the jurisdiction of the department.

21 (d) Part of the Mazomanie unit of the Lower Wisconsin State Wildlife Area, as
22 designated by the department.

23 **(2)** Beginning on April 1 and ending on September 15 of each year, the
24 department shall close, and prohibit persons from entering, the Mazomanie unit.

1 **(3)** Notwithstanding sub. (2), the closure of the Mazomanie unit does not apply
2 to any of the following:

3 (a) A person who enters the Mazomanie unit to engage in nonrecreational
4 activities for which the department has issued a permit including a person who holds
5 a permit under s. 29.614.

6 (b) A person who enters the Mazomanie unit to engage in the training of
7 hunting dogs or to conduct dog trials if the person holds a permit under rules
8 promulgated by the department under s. 29.321.

9 (c) A person who enters the islands and sandbars of the Mazomanie unit
10 between 6:00 a.m. and 9:00 p.m.

11 **(4)** The department shall post notice of the closure of the Mazomanie unit in
12 a manner that gives the public sufficient notice of the closure.

13 **SECTION 847z.** 30.49 (1) (dm) of the statutes is created to read:

14 30.49 **(1)** (dm) Any person who violates s. 30.475 shall forfeit not less than \$100
15 nor more than \$1,000 for each violation.”.

16 **381.** Page 496, line 13: delete lines 13 to 22.

17 **382.** Page 499, line 8: after that line insert:

18 “**SECTION 867xg.** 30.92 (4) (b) 8. am. of the statutes is created to read:

19 30.92 **(4)** (b) 8. am. A project that uses chemicals to remove Eurasian water
20 milfoil.”.

21 **383.** Page 499, line 9: after that line insert:

22 “**SECTION 867xp.** 31.02 (title) of the statutes is amended to read:

23 **31.02** (title) **Powers and duties of department.**

24 **SECTION 867xr.** 31.02 (4) (c) of the statutes is amended to read:

1 31.02 (4) (c) With good and sufficient ~~fishway or fishways~~ or fish ladders, or in
2 lieu thereof the owner may be permitted to enter into an agreement with the
3 department to pay for or to supply to the state of Wisconsin annually such quantities
4 of game fish for stocking purposes as may be agreed upon by the owner and the
5 department.

6 **SECTION 867xs.** 31.02 (4g) of the statutes is created to read:

7 31.02 (4g) The department may not impose the requirement under sub. (4) (c)
8 on an owner of a dam unless all of the following apply:

9 1. The rules promulgated under sub. (4r) are in effect.

10 2. The federal government or the state implements a program to provide
11 cost-sharing grants to owners of dams for equipping dams with fishways or fish
12 ladders and a grant is available to the dam owner under the program.

13 **SECTION 867xt.** 31.02 (4r) of the statutes is created to read:

14 31.02 (4r) The department shall promulgate rules specifying the rights held
15 by the public in navigable waters that are dammed. The rules shall include
16 provisions on the rights held by public that affect the placement of fishways or fish
17 ladders in navigable waters that are dammed.”.

18 **384.** Page 499, line 9: after that line insert:

19 **“SECTION 867xo.** 31.02 (6) of the statutes is amended to read:

20 31.02 (6) ~~The department shall~~ Except as provided in sub. (7m), the
21 department may operate, repair and maintain the dams and ~~dykes~~ dikes constructed
22 across drainage ditches and streams in drainage districts, in the interest of drainage
23 control, water conservation, irrigation, conservation, pisciculture and to provide

1 areas suitable for the nesting and breeding of aquatic wild bird life and the
2 propagation of fur-bearing animals.

3 **SECTION 867xq.** 31.02 (7) of the statutes is repealed.

4 **SECTION 867xr.** 31.02 (7m) of the statutes is created to read:

5 31.02 (7m) A county drainage board shall operate, repair and maintain dams,
6 dikes and other structures in district drains that the board operates in drainage
7 districts in compliance with ch. 88 and any rules promulgated by the department of
8 agriculture, trade and consumer protection under ch. 88. If a county drainage board
9 fails to perform its duties under this subsection, the department of natural resources
10 may exercise its authority under sub. (6).

11 **SECTION 867xs.** 31.02 (8) of the statutes is repealed.

12 **SECTION 867xt.** 31.02 (9) of the statutes is repealed.”.

13 **385.** Page 502, line 14: after that line insert:

14 “**SECTION 884a.** 34.01 (2) (a) of the statutes is amended to read:

15 34.01 (2) (a) Any loss of public moneys, which have been deposited in a
16 designated public depository in accordance with this chapter, resulting from the
17 failure of any public depository to repay to any public depositor the full amount of
18 its deposit because the office of credit unions, administrator of federal credit unions,
19 U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift
20 supervision, federal deposit insurance corporation, resolution trust corporation,
21 division of banking or division of savings ~~and loan~~ institutions has taken possession
22 of the public depository or because the public depository has, with the consent and
23 approval of the office of credit unions, administrator of federal credit unions, U.S.
24 office of thrift supervision, federal deposit insurance corporation, resolution trust

1 corporation, division of banking or division of savings and ~~loan~~ institutions, adopted
2 a stabilization and readjustment plan or has sold a part or all of its assets to another
3 credit union, bank, savings bank or savings and loan association which has agreed
4 to pay a part or all of the deposit liability on a deferred payment basis or because the
5 depository is prevented from paying out old deposits because of rules of the office of
6 credit unions, administrator of federal credit unions, U.S. comptroller of the
7 currency, federal home loan bank board, U.S. office of thrift supervision, federal
8 deposit insurance corporation, resolution trust corporation, division of banking or
9 division of savings and ~~loan~~ institutions.

10 **SECTION 885a.** 34.10 of the statutes is amended to read:

11 **34.10 Reorganization and stabilization of financial institutions.**

12 Whenever the office of credit unions, administrator of federal credit unions, U.S.
13 comptroller of the currency, federal home loan bank board, U.S. office of thrift
14 supervision, federal deposit insurance corporation, resolution trust corporation,
15 division of banking or division of savings and ~~loan~~ institutions has taken charge of
16 a credit union, bank, savings bank or savings and loan association with a view of
17 restoring its solvency, pursuant to law, or with a view of stabilizing and readjusting
18 the structure of any national or state credit union, bank, savings bank or savings and
19 loan association located in this state, and has approved a reorganization plan or a
20 stabilization and readjustment agreement entered into between the credit union,
21 bank, savings bank or savings and loan association and depositors and unsecured
22 creditors, or when a credit union, bank, savings bank or savings and loan association,
23 with the approval of the office of credit unions, administrator of federal credit unions,
24 U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift
25 supervision, federal deposit insurance corporation, resolution trust corporation,

1 division of banking or division of savings and loan institutions proposes to sell its
2 assets to another credit union, bank, savings bank or savings and loan association
3 which agrees to assume a part or all of the deposit liability of such selling credit
4 union, bank, savings bank or savings and loan association and to pay the same on
5 a deferred payment basis, the governing board of the public depositor may, on the
6 approval of the division of banking, join in the execution of any reorganization plan,
7 or any stabilization and readjustment agreement, or any depositor's agreement
8 relative to a proposed sale of assets if, in its judgment and that of the division of
9 banking, the reorganization plan or stabilization and readjustment agreement or
10 proposed sale of assets is in the best interest of all persons concerned. The joining
11 in any reorganization plan, or any stabilization and readjustment agreement, or any
12 proposed sale of assets which meets the approval of the division of banking does not
13 waive any rights under this chapter.”.

14 **386.** Page 502, line 14: after that line insert:

15 “**SECTION 877d.** 31.385 (4) of the statutes is created to read:

16 31.385 (4) (a) The department shall maintain an inventory of all dams in the
17 state that require dam safety project under this section. The inventory shall list the
18 dam safety projects in the chronological order in which they are required to be
19 undertaken. For each dam safety project on the inventory, the department shall
20 include a statement of which parts of the dam safety project are required to protect
21 the rights held by the public in the navigable waters contained by the dam.

22 (b) The department shall provide notice to the owner of a dam that is included
23 in the inventory. The department shall by rule establish a notice and hearing process
24 for a dam owner to object to the inclusion of the owner's dam on the list. The

1 department shall use this notice and hearing each time a dam is included in the
2 inventory. The process shall include a public hearing in the city, village or town in
3 which the dam is located, a public comment period, and an appeals process.”.

4 **387.** Page 502, line 14: after that line insert:

5 “SECTION 882m. 32.72 (1) of the statutes is amended to read:

6 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
7 question is submitted to the electors of the city at a ~~special election~~ referendum called
8 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:
9 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
10, thus allowing the city to acquire and condemn property for street
11 widening and similar purposes, financed through assessments of benefits and
12 damages?”.”.

13 **388.** Page 502, line 23: delete the material beginning with that line and
14 ending with page 503, line 3.

15 **389.** Page 503, line 3: after that line insert:

16 “SECTION 887d. 36.11 (36m) of the statutes is created to read:

17 36.11 (36m) SCHOOL SAFETY RESEARCH. The board shall direct the schools of
18 education and other appropriate research-oriented departments within the system,
19 to work with the technical college system board under s. 38.04 (27), school districts,
20 private schools and the department of public instruction to present to school districts
21 and private schools the results of research on models for and approaches to
22 improving school safety and reducing discipline problems in schools and at school
23 activities.”.

24 **390.** Page 503, line 4: delete lines 4 to 7.

1 **391.** Page 503, line 14: after that line insert:

2 “**SECTION 887t.** 36.11 (40) of the statutes is created to read:

3 36.11 **(40)** CENTER FOR COOPERATIVES. The board shall maintain a center for
4 cooperatives at the University of Wisconsin–Madison.”.

5 **392.** Page 504, line 5: delete the material beginning with that line and ending
6 with page 505, line 23, and substitute:

7 “36.25 **(5)** (c) 1. In this paragraph:

8 a. “Broadcasting corporation” has the meaning given in s. 39.81 (2).

9 b. “Broadcasting station” means any broadcasting station for which the board
10 of regents holds a license.

11 c. “Friends group” has the meaning given in s. 39.81 (5).

12 2. The board of regents shall enter into an agreement with the broadcasting
13 corporation that requires the board of regents to do each of the following:

14 a. Allow the broadcasting corporation to operate each broadcasting station.

15 b. Grant the broadcasting corporation operational control over any facility or
16 asset of the board of regents that is necessary for the operation of each broadcasting
17 station.

18 c. Maintain the facilities and assets that are necessary for the operation of each
19 broadcasting station.

20 d. Retain the license for each broadcasting station.

21 e. Provide administrative services to the broadcasting corporation that are
22 necessary for the broadcasting corporation to operate the each broadcasting station.

23 f. Provide assistance in developing and delivering elementary and secondary
24 school educational programming. Any assistance provided under this subd. 2. f.

1 shall be provided at no cost to private and public elementary and secondary schools,
2 unless the broadcasting corporation determines that the assistance shall be provided
3 at cost.

4 g. Provide assistance to the technical college system in developing and
5 delivering educational programming. Any assistance provided under this subd. 2.
6 g. shall be provided at no cost to the technical college system, unless the broadcasting
7 corporation determines that the assistance shall be provided at cost.

8 3. An agreement under subd. 2. shall satisfy each of the following:

9 a. The agreement shall remain in effect until the maturity date of any public
10 debt issued under s. 13.48 (31) (c).

11 b. The agreement shall ensure that the board of regents has access to
12 broadcasting facilities and air time that is equal to or greater than the access of the
13 board of regents prior to the effective date of this subdivision 3. b. [revisor inserts
14 date].

15 c. The agreement shall provide for transferring to the broadcasting corporation
16 any funds raised by each friends group that is organized to raise funds for a
17 broadcasting station for which the board of regents holds a license.

18 5. An agreement under subd. 2. may not take effect without the approval of the
19 secretary of administration.

20 6. This paragraph does not apply unless the secretary of administration
21 determines under s. 39.88 (1) that the federal communications commission has
22 approved the transfer of all broadcasting licenses held by the educational
23 communications board to the broadcasting corporation.”.

24 **393.** Page 508, line 8: after that line insert:

1 “**SECTION 895s.** 36.55 of the statutes is created to read:

2 **36.55 Reporting employment harassment and discrimination claims.**

3 By September 1 of each even-numbered year, the president shall submit a report to
4 the chief clerk of each house for distribution to the legislature under s. 13.172 (2) that
5 contains a description of each employment harassment or discrimination claim filed
6 against the board or an employe of the board and resolved in favor of the claimant,
7 the amount of any settlement paid to or judgment entered for the claimant and a
8 description of any discipline of board employes resulting from the resolution of the
9 claim.”.

10 **394.** Page 508, line 8: after that line insert:

11 “**SECTION 895s.** 36.56 of the statutes is created to read:

12 **36.56 Grants for forestry cooperatives. (1)** From the appropriation under
13 s. 20.285 (1) (kg), the center for cooperatives under s. 36.11 (40) may award grants
14 to persons to form forestry cooperatives under ch. 185 that consist primarily of
15 private, nonindustrial owners of woodland. A grant recipient shall provide matching
16 funds equal to 50% of the grant amount awarded. The match may be in the form of
17 money or in-kind services or both, but may not include money received from the
18 state.

19 **(2)** In each fiscal year, the center for cooperatives may not encumber funds from
20 the appropriation under s. 20.285 (1) (kg) for administrative expenses if the amounts
21 encumbered in that fiscal year for administrative expenses exceed 5% of the total
22 expenditures from the appropriation for the fiscal year.”.

23 **395.** Page 508, line 21: delete the material beginning with “the direct” and
24 ending with “center” on line 22 and substitute “the direct operating costs of services

1 provided at the center and at least 20% of the indirect operating costs of services
2 provided at the center, pursuant to a contract under s. 38.14 (3) (a)”.

3 **396.** Page 508, line 23: after that line insert:

4 “d. The district board consulted with representatives of business and labor on
5 the development of the center.”.

6 **397.** Page 509, line 6: after that line insert:

7 “**SECTION 896m.** 38.04 (27) of the statutes is created to read:

8 38.04 (27) SCHOOL SAFETY. The board shall work with schools of education and
9 other departments of the University of Wisconsin System under s. 36.11 (36m),
10 school districts, private schools and the department of public instruction to present
11 to school districts and private schools the results of research on models for and
12 approaches to improving school safety and reducing discipline problems in schools
13 and at school activities.”.

14 **398.** Page 509, line 7: delete “(3)” and substitute “(4)”.

15 **399.** Page 509, line 9: delete “(3)” and substitute “(4)”.

16 **400.** Page 509, line 23: after that line insert:

17 “(d) “Friends group” has the meaning given in s. 39.81 (5).”.

18 **401.** Page 510, line 1: delete the material beginning with that line and ending
19 with page 511, line 6, and substitute:

20 “38.125 (2) (a) The district board shall enter into an agreement with the
21 broadcasting corporation that requires the district board to do each of the following:

22 1. Allow the broadcasting corporation to operate each broadcasting station.

1 2. Grant the broadcasting corporation operational control over any facility or
2 asset of the district board that is necessary for the operation of each broadcasting
3 station.

4 3. Maintain the facilities and assets that are necessary for the operation of each
5 broadcasting station.

6 4. Retain the license for each broadcasting station.

7 5. Provide assistance to the broadcasting corporation in developing and
8 delivering elementary and secondary school educational programming at no cost to
9 the broadcasting corporation.

10 (b) An agreement under par. (a) shall satisfy each of the following:

11 1. The agreement shall remain in effect until the maturity date of any public
12 debt issued under s. 13.48 (31) (d).

13 2. The agreement shall ensure that the district board has access to
14 broadcasting facilities and air time that is equal to or greater than the access of the
15 district board prior to the effective date of this subdivision [revisor inserts date].

16 3. The agreement shall provide for transferring to the broadcasting corporation
17 any funds raised by each friends group that is organized to raise funds for a
18 broadcasting station for which the district board holds a license.

19 (d) An agreement under par. (a) may not take effect without the approval of the
20 secretary of administration.

21 (e) This subsection does not apply unless the secretary of administration
22 determines under s. 39.88 (1) that the federal communications commission has
23 approved the transfer of all broadcasting licenses held by the educational
24 communications board to the broadcasting corporation.”.

1 **402.** Page 511, line 6: after that line insert:

2 “**SECTION 897dm.** 38.125 (3) of the statutes is created to read:

3 38.125 **(3)** At the request of the transitional board and at no charge to the
4 transitional board, the district board shall direct Milwaukee Public Television to
5 provide staff and legal, administrative and technical assistance for the transitional
6 board to carry out the duties under s. 39.82.”.

7 **403.** Page 518, line 12: after that line insert:

8 “**SECTION 912h.** 39.41 (1) (bm) of the statutes is amended to read:

9 39.41 **(1)** (bm) “Senior” means a pupil enrolled in the 12th grade in a public or
10 private high school, the Wisconsin school School for the deaf and Deaf or the
11 Wisconsin school for the visually handicapped school operated by the Wisconsin
12 Center for the Blind and Visually Impaired.

13 **SECTION 912g.** 39.41 (1m) (c) 1. of the statutes is amended to read:

14 39.41 **(1m)** (c) 1. For the Wisconsin school for the visually handicapped school
15 operated by the Wisconsin Center for the Blind and Visually Impaired, designate the
16 senior with the highest grade point average in all subjects as a scholar.”.

17 **404.** Page 520, line 9: after that line insert:

18 “**SECTION 913mv.** 39.41 (1m) (f) of the statutes is amended to read:

19 39.41 **(1m)** (f) If 2 or more seniors from the Wisconsin school for the visually
20 handicapped school operated by the Wisconsin Center for the Blind and Visually
21 Impaired have the same grade point average and, except for the limitation of one
22 designated senior, are otherwise eligible for designation under par. (c) 1., the
23 executive secretary shall make the designation under par. (c) 1. of the senior who may
24 be eligible for a higher education scholarship as a scholar and, if that senior does not

1 qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate
2 one or more of the remaining seniors with the same grade point average as eligible
3 for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the
4 scholarship may be awarded by the board.”.

5 **405.** Page 521, line 7: after that line insert:

6 “**SECTION 918m.** 39.435 (7) of the statutes is created to read:

7 39.435 (7) (a) By February 1, 2000, and annually thereafter, the board shall
8 determine all of the following:

9 1. The percentage by which the undergraduate academic fees charged for the
10 current academic year at each institution within the University of Wisconsin System
11 has increased or decreased from the undergraduate academic fees charged for the
12 previous academic year.

13 2. The highest percentage increase determined under subd. 1., except that if
14 the undergraduate academic fees for the current academic year decreased or did not
15 change from the undergraduate academic fees charged for the previous academic
16 year at each institution specified in subd. 1., the highest percentage increase under
17 this subdivision is zero.

18 3. The product of multiplying the sum of 1.0 and the percentage increase under
19 subd. 2., expressed as a decimal, by the sum of the amounts appropriated in the
20 current fiscal year under s. 20.235 (1) (fe) and (ks).

21 (b) On October 1, 2000, and annually thereafter, there is transferred from the
22 appropriation account under s. 20.285 (1) (im) to the appropriation account under s.
23 20.235 (1) (ks) a sum, rounded to the nearest 100 dollars, that is equal to the product

1 determined under par. (a) 3. less the amount appropriated in the current fiscal year
2 under s. 20.234 (1) (fe).”.

3 **406.** Page 523, line 6: delete the material beginning with that line and ending
4 with page 532, line 2, and substitute:

5 **“39.81 Definitions.** In this subchapter:

6 **(1)** “Association” means the Wisconsin Public Radio Association.

7 **(2)** “Broadcasting corporation” means the corporation specified in s. 39.82 (1).

8 **(3)** “Corporate board” means the board of directors of the broadcasting
9 corporation.

10 **(4)** “Foundation” means the Wisconsin Public Broadcasting Foundation.

11 **(5)** “Friends group” means a nonstock, nonprofit corporation described under
12 section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation
13 under section 501 (a) of the Internal Revenue Code that is organized to raise funds
14 for a public broadcasting television or radio station in this state. “Friends group”
15 includes the association.

16 **(7)** “Transitional board” means the public broadcasting transitional board.

17 **39.82 Transitional board duties.** The transitional board shall do each of the
18 following:

19 **(1)** Draft and file articles of incorporation for a nonstock corporation under ch.
20 181, including a provision that the corporation will not have members, and take all
21 actions necessary to exempt the corporation from federal taxation under section 501
22 (c) (3) of the Internal Revenue Code.

23 **(2)** Draft bylaws for adoption by the corporate board under s. 181.0206 (2). The
24 bylaws shall specify each of the following:

1 (a) That the members of the transitional board shall serve as the directors of
2 the corporate board.

3 (b) That directors specified in s. 15.98 (2) (i), (j) or (k) shall serve staggered
4 3–year terms and that, upon expiration of the term or occurrence of a vacancy in the
5 office of director, the remaining directors of the corporate board shall elect a
6 successor who is a member of the same friends group.

7 (c) That a director specified in s. 15.98 (2) (L) shall serve a 3–year term and that,
8 upon expiration of the term or occurrence of a vacancy in the office of director, the
9 remaining directors of the corporate board shall elect a successor who is a
10 representative of public elementary and secondary schools.

11 (d) That a director specified in s. 15.98 (2) (a), (b), (c), (e) or (f) shall vacate the
12 office of director if he or she ceases to hold the office specified in s. 15.98 (2) (a), (b),
13 (c), (e) or (f) and that the remaining directors of the corporate board shall appoint as
14 a successor the individual who is the successor to the office.

15 (e) That the term of a director specified in s. 15.98 (2) (g) or (h) shall expire on
16 the date specified in s. 13.02 (1) and that the remaining directors of the corporate
17 board shall appoint a successor who is an individual appointed as is a member of a
18 standing committee.

19 (f) That a director specified in s. 15.98 (2) (i), (j) or (k) shall vacate the office of
20 director if he or she ceases to be a member of the friends group specified in s. 15.98
21 (2) (i), (j) or (k) and that the remaining directors of the corporate board shall elect as
22 a successor an individual who is a member of the same friends group.

23 **(2m)** No later than March 15, 2000, the transitional board shall submit a report
24 to the governor and to the chief clerk of each house of the legislature for distribution

1 to the legislature under s. 13.172 (2) that includes and describes the bylaws drafted
2 under sub. (2).

3 (3) Prepare an application for submission by the corporate board to the federal
4 communications commission to transfer all broadcasting licenses held by the
5 educational communications board to the broadcasting corporation.

6 **39.83 Transitional plan. (1)** The corporate board shall prepare a plan for
7 submission to the secretary of administration that specifies each of the following:

8 (a) The transfer of the unencumbered balances of the appropriations to the
9 educational communications board to the broadcasting corporation.

10 (b) The transfer of positions and related funding from the educational
11 communications board to the University of Wisconsin System.

12 (c) The transfer of assets under s. 39.87 (2) to the broadcasting corporation.

13 (2) If the secretary of administration does not notify the corporate board within
14 14 working days after the date of submittal of the plan under sub. (1) that the
15 secretary intends to modify the plan, the plan may be implemented as proposed. If,
16 within 14 working days after the date of submittal of the plan under sub. (1), the
17 secretary of administration notifies the corporate board that the secretary intends
18 to modify the proposed plan, the plan may be implemented only upon approval of the
19 secretary.

20 (3) If the secretary of administration approves a transfer of unencumbered
21 balances specified in sub. (1) (a) and (b), the unencumbered balances shall be
22 transferred to the appropriation accounts under ss. 20.218 (1) (a), 20.285 (1) (cc) and
23 20.505 (1) (kv).

1 **39.84 Duties of broadcasting corporation.** The broadcasting corporation
2 shall do each of the following as a condition for receiving state aid under s. 20.218

3 (1) (a):

4 **(1)** Commit to provide editorial integrity in all aspects of public broadcasting
5 that is free from the influence of politics or special interest groups.

6 **(2)** Provide educational broadcasting that enriches the cultural, civic and
7 educational well-being of the people of this state.

8 **(3)** Provide access to public broadcasting to all populations and geographic
9 areas of this state.

10 **(4)** Maintain a state system of radio broadcasting for the presentation of
11 educational, informational and public service programs.

12 **(5)** Maintain educational television channels reserved for this state and take
13 such action as is necessary to preserve such channels in this state for educational
14 use.

15 **(6)** Furnish leadership in securing adequate funding for a statewide system of
16 public broadcasting.

17 **(7)** Lease, purchase or construct radio and television facilities for joint use with
18 state and local agencies.

19 **(8)** Maintain radio and television transmission equipment in order to provide
20 broadcast service to all areas of this state.

21 **(9)** Establish and maintain a continuing evaluation of the effectiveness of
22 public broadcasting in this state.

23 **(10)** Act as a central clearinghouse and source of information concerning
24 educational radio and television activities in this state, including the furnishing of

1 such information to legislators, offices of government, educational institutions and
2 the general public.

3 (11) Provide educational programming for elementary and secondary schools
4 in this state and transmit public radio and television to remote and underserved
5 areas of the state.

6 (12) Hire an executive director in charge of the daily operations of the
7 broadcasting corporation.

8 (13) Enter into the agreements specified in ss. 36.25 (5) (c) 2. and 38.125 (2) (a).

9 **39.85 State aid. (1)** The broadcasting corporation may receive state aid under
10 s. 20.218 (1) (a) if each of the following is satisfied:

11 (a) The articles of incorporation state that the purpose of the broadcasting
12 corporation is to provide public broadcasting to this state and that, if the
13 broadcasting corporation dissolves or discontinues public broadcasting in this state,
14 the broadcasting corporation shall in good faith take all reasonable measures to
15 transfer or assign the broadcasting corporation's assets, licenses and rights to an
16 entity whose purpose is to advance public broadcasting in this state.

17 (b) The broadcasting corporation initially adopts the bylaws drafted by the
18 transitional board under s. 39.82 (2) and does not amend the bylaws regarding
19 election, appointment and terms of the members of the corporate board.

20 (c) The broadcasting corporation permits public inspection and copying of any
21 record of the corporation, as defined in s. 19.32 (1), to the same extent as required
22 of, and subject to the same terms and enforcement provisions that apply to, an
23 authority under subch. II of ch. 19.

1 (d) The broadcasting corporation provides public access to its meetings to the
2 same extent as is required of, and subject to the same terms and enforcement
3 provisions that apply to, a governmental body under subch. V of ch. 19.

4 (e) The broadcasting corporation provides the secretary of administration or
5 his or her designee and the employees of the legislative audit bureau and the
6 legislative fiscal bureau with access to all of the broadcasting corporation's records,
7 as defined in s. 19.32 (2), except records identifying the names of private donors.

8 (f) The broadcasting corporation carries out any obligation of the educational
9 communications board under any contract entered into by the educational
10 communications board that relates to the provision of public broadcasting in this
11 state until the contract is modified or rescinded by the broadcasting corporation to
12 the extent allowed under the contract.

13 (g) The broadcasting corporation maintains public television, public radio and
14 distance education as separate operating divisions within the broadcasting
15 corporation.

16 (2) The secretary of administration shall pay aid under s. 20.218 (1) (a) to the
17 broadcasting corporation in instalments, as determined by the secretary.

18 **39.86 Broadcasting corporation reports. (1)** No later than September 15
19 of each even-numbered year, in the form and content prescribed by the department
20 of administration, the broadcasting corporation shall, as a condition of receiving
21 state aid under s. 20.218 (1) (a), prepare and forward to the department of
22 administration and to the legislative fiscal bureau all of the following information
23 regarding each program administered by the broadcasting corporation for which the
24 broadcasting corporation is requesting state aid:

25 (a) A clear statement of the purpose or goal for each program.

1 (b) Clear statements of specific objectives to be accomplished and, as
2 appropriate, the performance measures used by the broadcasting corporation to
3 assess progress toward achievement of these objectives.

4 (c) Proposed plans to implement the objectives specified in par. (a) and the
5 estimated resources needed to carry out the proposed plans.

6 (d) A statement of legislation required to implement proposed programmatic
7 and financial plans.

8 (e) Any other fiscal or other information that the secretary of administration
9 or the governor requires on forms prescribed by the secretary of administration.

10 **(2)** No later than December 1 of each year, the broadcasting corporation shall,
11 as a condition of receiving state aid under s. 20.218 (1) (a), submit a report to the
12 governor and to the chief clerk of each house of the legislature for distribution to the
13 legislature under s. 13.172 (2) that describes each of the following:

14 (a) Any use of state aid received by the broadcasting corporation for serving
15 educational communities, diverse populations and rural and remote areas of the
16 state, including a detailed itemization of the use of state aid.

17 (b) Any progress in advancing the transition to digital television and radio,
18 distance education and other technological innovations.

19 (c) The status of federal funding, private donations, other private fund raising
20 and any financially beneficial partnerships.

21 (d) The status of the broadcasting corporation's efforts to satisfy the duties
22 specified in this subchapter.

23 **(3)** This section does not apply unless the secretary of administration
24 determines that the federal communications commission has approved the transfer

1 of all broadcasting licenses held by the educational communications board to the
2 broadcasting corporation.

3 **39.87 Transfer provisions. (1) DEFINITION.** In this section, “state office
4 building” means the state office building located at 3319 West Beltline Highway in
5 Dane County.

6 **(2) ASSETS.** (a) If the secretary of administration determines that the federal
7 communications commission has approved the transfer of all broadcasting licenses
8 held by the educational communications board to the broadcasting corporation, each
9 of the following applies:

10 1. Any asset of the state, other than the state office building and the assets
11 specified in subd. 3., that is used by the educational communications board and that,
12 as determined by the secretary of administration, is not a shared asset, as defined
13 in s. 16.26 (1) (b), is transferred, subject to the approval of the secretary of
14 administration under s. 39.83 (2), to the broadcasting corporation. A transfer under
15 this subdivision shall take effect on on the effective date of the last license
16 transferred as determined by the secretary of administration under s. 39.88 (2).

17 2. Subject to the approval of the secretary of administration under s. 39.83 (2),
18 the secretary of administration shall transfer title to the state office building from
19 the state to the broadcasting corporation if the broadcasting corporation pays
20 \$476,228 to the foundation or the foundation waives such payment.

21 3. The assets of the state that, as determined by the secretary of
22 administration, are used by educational communications board for the operation of
23 an emergency weather warning system are transferred to the department of
24 administration.

1 (b) Any asset transferred under par. (a) 1. or 2. shall revert to the state if the
2 asset is not used for the purpose of providing public broadcasting.

3 **(3) EDUCATIONAL COMMUNICATIONS BOARD FUNDS.** Subject to the approval of the
4 secretary of administration under s. 39.83, if the secretary of administration
5 determines that the federal communications commission has approved the transfer
6 of all broadcasting licenses held by the educational communications board to the
7 broadcasting corporation, each of the following applies on the effective date of the
8 last license transferred as determined by the secretary of administration under s.
9 39.88 (2):

10 (a) To the appropriation account under s. 20.218 (1) (a), there is transferred the
11 unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d),
12 (eg), (er) and (f), except for the unencumbered balance of the appropriation accounts
13 that are otherwise transferred under sub. (4).

14 (b) To the appropriation account under s. 20.505 (5) (i), there is transferred the
15 unencumbered balance of the appropriation account under s. 20.225 (1) (kb) and the
16 amounts in the schedule for the appropriation account under s. 20.505 (5) (i) are
17 increased by the amount transferred from the appropriation account under s. 20.225
18 (1) (kb).

19 (c) To the appropriation account under s. 20.505 (1) (kv), there is transferred
20 the unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h),
21 (k), (ka) and (m), and, to the extent allowed under federal law, the secretary of
22 administration shall pay the broadcasting corporation a grant equal to the amount
23 of the unencumbered balance of the appropriation account under s. 20.505 (1) (kv).

24 **(4) POSITIONS.** If the secretary of administration determines that the federal
25 communications commission has approved the transfer of all broadcasting licenses

1 held by the educational communications board to the broadcasting corporation, all
2 positions authorized for the educational communications board and the incumbent
3 employes holding the positions are transferred to the University of Wisconsin
4 System. Employes transferred under this subsection have all rights and the same
5 status under subchapter V of chapter 111 and chapter 230 of the statutes that they
6 enjoyed in the educational communications board. Notwithstanding s. 230.28 (4), no
7 employe so transferred who has attained permanent status in class may be required
8 to serve a probationary period.

9 (5) DUTIES OF FORMER EDUCATIONAL COMMUNICATIONS BOARD EMPLOYES. All
10 employes transferred to the University of Wisconsin System under sub. (4) shall
11 provide broadcasting services to the broadcasting corporation under a contract
12 between the University of Wisconsin System and the broadcasting corporation for
13 such services. The contract shall provide that the services are to be provided to the
14 broadcasting corporation at no charge to the broadcasting corporation.

15 **39.88 Determinations by secretary of administration.** The secretary of
16 administration shall determine each of the following:

17 (1) Whether the federal communications commission has approved the
18 transfer of all broadcasting licenses held by the educational communications board
19 to the broadcasting corporation.

20 (2) If the secretary of administration determines that the federal
21 communications commission has approved the transfer of all the broadcasting
22 licences specified in sub. (1), the effective date of the transfer of the last license
23 transferred to the broadcasting corporation.

24 (3) Determine the date on which the articles of incorporation of the
25 broadcasting corporation become effective under s. 180.0123.”.

1 **407.** Page 532, line 11: after that line insert:

2 “**SECTION 930wb.** 40.02 (26) (intro.) of the statutes is amended to read:

3 40.02 **(26)** (intro.) “Employe” means any person who receives earnings as
4 payment for personal services rendered for the benefit of any employer including
5 officers of the employer, except as provided in subch. X. An employe is deemed to
6 have separated from the service of an employer at the end of the day on which the
7 employe last performed services for the employer, or, if later, the day on which the
8 employe–employer relationship is terminated because of the expiration or
9 termination of leave without pay, sick leave, vacation or other leave of absence. A
10 person shall not be considered an employe if a person:

11 **SECTION 930wm.** 40.02 (26) (intro.) of the statutes, as affected by 1999
12 Wisconsin Act (this act), section 930wb, is amended to read:

13 40.02 **(26)** (intro.) “Employe” means any person who receives earnings as
14 payment for personal services rendered for the benefit of any employer including
15 officers of the employer, ~~except as provided in subch. X~~. An employe is deemed to
16 have separated from the service of an employer at the end of the day on which the
17 employe last performed services for the employer, or, if later, the day on which the
18 employe–employer relationship is terminated because of the expiration or
19 termination of leave without pay, sick leave, vacation or other leave of absence. A
20 person shall not be considered an employe if a person:”.

21 **408.** Page 532, line 11: after that line insert:

22 “**SECTION 930x.** 40.02 (17) (n) of the statutes is created to read:

23 40.02 **(17)** (n) Notwithstanding par. (d), each participant who is a sex offender
24 registration specialist on or after the effective date of this paragraph [revisor

1 inserts date], shall be granted creditable service as a protective occupation
2 participant for all covered service as a sex offender registration specialist that was
3 earned on or after the effective date of this paragraph [revisor inserts date], but
4 may not be granted creditable service as a protective occupation participant for any
5 covered service as a sex offender registration specialist that was earned before the
6 effective date of this paragraph [revisor inserts date], unless that service was
7 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
8 a protective occupation participant.”.

9 **409.** Page 532, line 12: before that line insert:

10 “**SECTION 930y.** 40.02 (20) of the statutes is amended to read:

11 40.02 (20) “Dependent” means the spouse, minor child, including stepchildren
12 of the current marriage dependent on the employe for support and maintenance, or
13 child of any age, including stepchildren of the current marriage, if handicapped to
14 an extent requiring continued dependence. For group insurance purposes only, the
15 department may promulgate rules with a different definition of “dependent” than the
16 one otherwise provided in this subsection for each group insurance plan, except that
17 the department may not promulgate a rule that includes within the definition of
18 “dependent” any adult who resides with an employe and who is not related to the
19 employe or the employe’s spouse by blood, marriage or adoption.”.

20 **410.** Page 532, line 12: delete lines 12 to 20 and substitute:

21 “**SECTION 931b.** 40.02 (28) of the statutes is amended to read:

22 40.02 (28) “Employer” means the state, including each state agency, any
23 county, city, village, town, school district, other governmental unit or
24 instrumentality of 2 or more units of government now existing or hereafter created

1 within the state and any federated public library system established under s. 43.19
2 whose territory lies within a single county with a population of 500,000 or more, a
3 local exposition district created under subch. II of ch. 229 and a family care district
4 created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3), ~~or a~~
5 ~~local exposition district created under subch. II of ch. 229~~ and subch. X. Each
6 employer shall be a separate legal jurisdiction for OASDHI purposes.

7 **SECTION 931c.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act
8 (this act), section 931b, is amended to read:

9 40.02 **(28)** “Employer” means the state, including each state agency, any
10 county, city, village, town, school district, other governmental unit or
11 instrumentality of 2 or more units of government now existing or hereafter created
12 within the state and any federated public library system established under s. 43.19
13 whose territory lies within a single county with a population of 500,000 or more, a
14 local exposition district created under subch. II of ch. 229 and a family care district
15 created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3) and
16 ~~subch. X~~. Each employer shall be a separate legal jurisdiction for OASDHI
17 purposes.”.

18 **411.** Page 533, line 16: delete “or person” and substitute “~~or~~ person”.

19 **412.** Page 533, line 17: after “(1)” insert “or sex offender registration
20 specialist”.

21 **413.** Page 533, line 23: after that line insert:

22 “**SECTION 936c.** 40.02 (48) (c) of the statutes is amended to read:

23 40.02 **(48)** (c) In s. 40.65, “protective occupation participant” means a
24 participating employe who is a police officer, fire fighter, an individual determined

1 by a participating employer under par. (a) or (bm) to be a protective occupation
2 participant, county undersheriff, deputy sheriff, state probation and parole officer,
3 county traffic police officer, conservation warden, state forest ranger, field
4 conservation employe of the department of natural resources who is subject to call
5 for forest fire control or warden duty, member of the state traffic patrol, state motor
6 vehicle inspector, university of Wisconsin system full-time police officer, guard or
7 any other employe whose principal duties are supervision and discipline of inmates
8 at a state penal institution, excise tax investigator employed by the department of
9 revenue, person employed under s. 61.66 (1), or special criminal investigation agent
10 employed by the department of justice or sex offender registration specialist.

11 **SECTION 936r.** 40.02 (53m) of the statutes is created to read:

12 40.02 (53m) “Sex offender registration specialist” means an employe of the
13 department of corrections whose primary duties require direct and ongoing contact
14 with persons registered under s. 301.45 and with the public under s. 301.46.”.

15 **414.** Page 533, line 23: after that line insert:

16 “**SECTION 936s.** 40.02 (54) (a) of the statutes is repealed.”.

17 **415.** Page 533, line 24: delete the material beginning with that line and
18 ending with page 534, line 25.

19 **416.** Page 535, line 6: after that line insert:

20 “**SECTION 941m.** 40.22 (2) (c) of the statutes is amended to read:

21 40.22 (2) (c) The employe is excluded from participation by s. ~~40.02 (54) (a) or~~
22 40.21 (3) or (4).”.

23 **417.** Page 535, line 7: delete the material beginning with that line and ending
24 with page 536, line 3.

1 **418.** Page 536, line 3: after that line insert:

2 “**SECTION 941d.** 40.51 (8) of the statutes is amended to read:

3 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
4 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),
5 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.872, 632.895 (5m)
6 and (8) to (13) and 632.896.

7 **SECTION 941g.** 40.51 (8m) of the statutes is amended to read:

8 40.51 **(8m)** Every health care coverage plan offered by the group insurance
9 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,
10 632.748, 632.85, 632.853, 632.855, 632.872 and 632.895 (11) to (13).”.

11 **419.** Page 536, line 3: after that line insert:

12 “**SECTION 939tc.** 40.41 (6) (b) of the statutes is amended to read:

13 40.41 **(6)** (b) Services performed by ~~a student or~~ a member of a board or
14 commission, except members of governing bodies, in a position or office which does
15 not normally require actual performance of duty for at least 600 hours in each
16 calendar year. For purposes of this paragraph, a “board” or “commission” is a body
17 referred to in the statutes as a board or commission.

18 **SECTION 939tr.** 40.41 (6) (c) of the statutes is created to read:

19 40.41 **(6)** (c) Service performed in the employ of a school, college or university,
20 if the service is performed by a student who is enrolled and regularly attending
21 classes at the school, college or university.”.

22 **420.** Page 536, line 3: after that line insert:

23 “**SECTION 944j.** 40.56 of the statutes is created to read:

1 (ar) “Board” means the private employer health care coverage board.

2 (b) “Dependent” means a spouse, an unmarried child under the age of 19 years,
3 an unmarried child who is a full-time student under the age of 21 years and who is
4 financially dependent upon the parent, or an unmarried child of any age who is
5 medically certified as disabled and who is dependent upon the parent.

6 (c) “Employe” means any person who receives earnings as payment for personal
7 services rendered for the benefit of any employer including officers of the employer.
8 An employe is considered to have separated from the service of an employer at the
9 end of the day on which the employe last performed services for the employer, or, if
10 later, the day on which the employe–employer relationship is terminated because of
11 the expiration or termination of leave without pay, sick leave, vacation or other leave
12 of absence. A person shall not be considered an employe if any of the following
13 applies:

14 1. The person is employed under a contract involving the furnishing of more
15 than personal services.

16 2. The person is customarily engaged in an independently established trade,
17 business or profession providing the same type of services to more than one employer
18 and the person’s services to an employer are not compensated for on a payroll of that
19 employer.

20 3. The person is a patient or inmate of a hospital, home or institution and
21 performs services in the hospital, home or institution.

22 (d) “Employer” means any person doing business or operating an organization
23 in this state and employing at least 2 employes. “Employer” does not include an
24 employer as defined in s. 40.02 (28).

1 (e) “Health care coverage program” means the health care coverage program
2 established under sub. (2) (a).

3 (f) “Insurer” has the meaning given in s. 600.03 (27).

4 (g) “Nontherapeutic abortion” means an abortion that is not directly and
5 medically necessary to prevent the death of the woman.

6 (2) (a) 1. The department shall design an actuarially sound health care
7 coverage program for employers that includes more than one group health care
8 coverage plan and that provides coverage beginning not later than June 30, 2002.
9 The health care coverage program shall be known as the “Private Employer Health
10 Care Purchasing Alliance”. In designing the health care coverage program, the
11 department shall consult with the office of the commissioner of insurance. The
12 health care coverage program may not be implemented until it is approved by the
13 board.

14 2. The department shall solicit and accept bids and make every reasonable
15 effort to enter into a contract for the administration of the health care coverage plans
16 under the program, based on criteria established by the board. If the department has
17 not entered into a contract for the administration of the health care coverage plans
18 under the program for coverage to begin before June 30, 2002, the department shall
19 submit a report to the cochairpersons of the joint committee on finance specifying the
20 department’s reasons for not entering into a contract. After submitting the report
21 to the cochairpersons of the joint committee on finance and after receiving the
22 approval of the board, the department shall provide all administrative services
23 necessary for the provision of the health care coverage plans under the program.
24 During the period that the department is providing the administrative services, the

1 department shall continue to make every reasonable effort to contract for the
2 administration of the health care coverage plans under the program.

3 3. The administrator selected under subd. 2., or the department if no
4 administrator has been selected under subd. 2., shall enter into contracts with
5 insurers who are to provide health care coverage under the health care coverage
6 program.

7 4. The department shall solicit and accept bids and shall enter into a contract
8 for marketing the health care coverage program.

9 5. The department shall maintain a toll-free telephone number to provide
10 information on the health care coverage program.

11 (b) 1. Except as provided in subd. 2., every health care coverage plan under the
12 health care coverage program is subject to the provisions of chs. 600 to 646 that apply
13 to group health benefit plans, as defined in s. 632.745 (9), to the same extent as any
14 other group health benefit plan, as defined in s. 632.745 (9).

15 2. Notwithstanding ss. 632.85, 632.87 (2), (3), (4) and (5), 632.89 and 632.895
16 (2), (3), (4), (5), (5m), (6), (7), (8), (9), (10), (11), (12) and (13), and subject to subd. 3.,
17 the department may include in the health care coverage program one or more health
18 care coverage plans that do not include one or more of the following coverages:

19 a. Coverage related to treatment of an emergency medical condition, as
20 required under s. 632.85.

21 b. Coverage of vision care provided by an optometrist, as required under s.
22 632.87 (2).

23 c. Coverage of chiropractic services, as required under s. 632.87 (3).

24 d. Coverage of the diagnosis and treatment of a condition by a dentist, as
25 required under s. 632.87 (4).

1 e. Coverage of Papanicolaou tests performed by a nurse practitioner, as
2 required under s. 632.87 (5).

3 f. Coverage of the treatment of alcoholism and nervous and mental disorders,
4 as required under s. 632.89.

5 g. Coverage of home care, as required under s. 632.895 (2).

6 h. Coverage of skilled nursing care, as required under s. 632.895 (3).

7 i. Coverage of kidney disease treatment, as required under s. 632.895 (4).

8 j. Coverage for a newly born child, as required under s. 632.895 (5).

9 k. Coverage for a child of a covered child, as required under s. 632.895 (5m).

10 L. Coverage of diabetes treatment, as required under s. 632.895 (6).

11 m. Maternity coverage, as required under s. 632.895 (7).

12 n. Coverage of mammograms, as required under s. 632.895 (8).

13 o. Coverage of prescription medication for the treatment of human
14 immunodeficiency virus infection, as required under s. 632.895 (9).

15 p. Coverage of blood lead tests for children, as required under s. 632.895 (10).

16 q. Coverage of treatment for the correction of temporomandibular disorders,
17 as required under s. 632.895 (11).

18 r. Coverage related to hospital or ambulatory surgery center charges and
19 anesthetics associated with dental care, as required under s. 632.895 (12).

20 s. Coverage of breast reconstruction incident to a mastectomy, as required
21 under s. 632.895 (13).

22 3. The department shall ensure that at least one health care coverage plan
23 includes all of the coverages specified in subd. 2.

24 (bm) No health care coverage plan under the health care coverage program may
25 provide coverage of a nontherapeutic abortion except by an optional rider or

1 supplemental coverage provision that is offered and provided on an individual basis
2 and for which an additional, separate premium or charge is paid by the individual
3 to be covered under the rider or supplemental coverage provision. Only funds
4 attributable to premiums or charges paid for coverage under the rider or
5 supplemental coverage provision may be used for the payment of any claim, and
6 related administrative expenses, that relates to a nontherapeutic abortion. Such
7 funds may not be used for the payment of any claim or administrative expenses that
8 relate to any other type of coverage provided by the insurer under the health care
9 coverage plan. Nothing in this paragraph requires an insurer or an employer to offer
10 or provide coverage of an abortion under a health care coverage plan under the health
11 care coverage program.

12 (c) The health care coverage program established under par. (a), or any health
13 care coverage plan included in the program, may not be combined with any health
14 care coverage plan under subch. IV.

15 (d) All insurance rates for health care coverage under the program shall be
16 published annually in a single publication that is made available to employers and
17 employees. The rates may be listed by county or by any other regional factor that the
18 board considers appropriate.

19 (e) All plans under the health care coverage program shall have an enrollment
20 period that is established by the board.

21 (f) 1. If the department has selected an administrator under par. (a) 2., the
22 administrator shall charge employers who participate in the health care coverage
23 program a fee to cover the cost of administrative services for the health care coverage
24 program. The administrator shall reimburse the department for the expenses
25 incurred by the department in designing, marketing and contracting for

1 administrative services for the program. All moneys received by the department
2 under this subdivision shall be credited to the appropriation account under s. 20.515
3 (2) (g).

4 2. If the department has not selected an administrator under par. (a) 2., the
5 department shall charge employers who participate in the health care coverage
6 program a fee to cover the costs incurred by the department in designing, marketing
7 and providing administrative services for the health care coverage program. All
8 moneys received by the department under this subdivision shall be credited to the
9 appropriation account under s. 20.515 (2) (g).

10 (g) The department may not sell any health care coverage under the health care
11 coverage program to an employer or enroll any employe in the health care coverage
12 program, but the department shall make information about the program available
13 to employers on a statewide basis.

14 **(3)** Any employer who participates in the health care coverage program shall
15 do all of the following:

16 (a) Offer health care coverage under one or more plans to all of its permanent
17 employes who have a normal work week of 30 or more hours and may offer health
18 care coverage under one or more plans to any of its other employes.

19 (b) Provide health care coverage under one or more plans to at least 50% of its
20 permanent employes who have a normal work week of 30 or more hours and who do
21 not otherwise receive health care coverage as a dependent under any other plan that
22 is not offered by the employer or a percentage of such employes specified by the board,
23 whichever percentage is greater.

1 (c) Pay for each employe at least 50% but not more than 100% of the lowest
2 premium rate that would be available to the employer for that employe's coverage
3 under the health care coverage program.

4 (d) Make premium payments for the health care coverage of its employes in the
5 manner specified by the board.

6 **(4)** Any employer that provides health care coverage for its employes under the
7 program and that voluntarily terminates coverage under the program is not eligible
8 to participate in the program for at least 3 years from the date that coverage is
9 terminated.

10 **(5)** Any insurer that offers a health care coverage plan under the health care
11 coverage program shall provide coverage under the plan to any employer that applies
12 for coverage, and to all of the employer's employes who elect coverage under the
13 health care coverage plan, without regard to the health condition or claims
14 experience of any individual who would be covered under the health care coverage
15 plan if all of the following apply:

16 (a) The employer agrees to pay the premium required for coverage under the
17 health care coverage plan.

18 (b) The employer agrees to comply with all provisions of the health care
19 coverage plan that apply generally to a policyholder or an insured without regard to
20 health condition or claims experience.

21 **(6)** (a) Health care coverage under the health care coverage program may only
22 be sold by insurance agents licensed under ch. 628.

23 (b) An insurance agent may not sell any health care coverage under the health
24 care coverage program on behalf of an insurer unless he or she is employed by the

1 insurer or has a contract with the insurer to sell the health care coverage on behalf
2 of the insurer.

3 (c) The board shall set, and may adjust as often as semiannually, the
4 commission rate for the sale of a policy under the health care coverage program. The
5 rate shall be based on the average commission rate that insurance agents are paid
6 in the state for the sale of comparable health insurance policies at the time that the
7 rate is set or adjusted.

8 (d) An insurer shall specify on the first page of any policy sold under the health
9 care coverage program the amount of the commission paid to the insurance agent.

10 (7) (a) Annually, on or before December 31, the board shall submit a report to
11 the appropriate standing committees under s. 13.172 (3) and to the governor on the
12 operation of the health care coverage program. The report shall specify the number
13 of employers and employes participating in the health care coverage program,
14 calculate the costs of the health care coverage program to employers and their
15 employes and include recommendations for improving the health care coverage
16 program.

17 (b) No later than January 1, 2008, the board shall submit a report to the
18 appropriate standing committees under s. 13.172 (3) and to the governor that offers
19 recommendations as to whether the department should continue to be involved in
20 the design, marketing and contracting for administrative services for the health care
21 coverage program. If the board recommends that the department not be involved in
22 the performance of these functions, the board shall submit proposed legislation
23 eliminating the department's involvement in the performance of these functions to
24 the appropriate standing committees under s. 13.172 (3) at the time that the board
25 submits its report.

1 **SECTION 944yr.** Subchapter X of chapter 40 [precedes 40.98] of the statutes, as
2 created by 1999 Wisconsin Act (this act), section 944ym, is repealed.”.

3 **423.** Page 537, line 19: after that line insert:

4 “**SECTION 945dm.** 42.035 of the statutes is created to read:

5 **42.035 Treatment of certain state fair park board employes.**

6 Notwithstanding s. 230.08 (2) (pm), those employes holding positions in the
7 classified service at the state fair park board on the effective date of this section
8 [revisor inserts date], who have achieved permanent status in class before that date,
9 shall retain, while serving in the unclassified service at the state fair park board,
10 those protections afforded employes in the classified service under ss. 230.34 (1) (a)
11 and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff or reduction in
12 base pay. Those employes of the state fair park board on the effective date of this
13 section [revisor inserts date], who have not achieved permanent status in class
14 in any position at the state fair park board on that date are eligible to receive the
15 protections, privileges and rights preserved under this section if they successfully
16 complete service equivalent to the probationary period required in the classified
17 service for the position that they hold on that date.”.

18 **424.** Page 537, line 19: after that line insert:

19 “**SECTION 945de.** 43.24 (1) (intro.) of the statutes is amended to read:

20 43.24 (1) (intro.) Each public library system shall be paid state aid for the
21 operation and maintenance of the system. The Except as provided in pars. (b) and
22 (c), the amount paid to each system shall be determined as follows:

23 **SECTION 945dh.** 43.24 (1) (a) of the statutes is repealed and recreated to read:

1 43.24 (1) (a) 1. Determine the percentage change in the total amount
2 appropriated under s. 20.255 (3) (e) between the previous fiscal year and the current
3 fiscal year.

4 2. Multiply the amount of state aid received by the system in the previous fiscal
5 year by the sum of 1.0 and the result under subd. 1. expressed as a decimal.

6 **SECTION 945dp.** 43.24 (1) (b) of the statutes is repealed and recreated to read:

7 43.24 (1) (b) If the territory of a public library system is altered, the department
8 shall adjust the aid paid to that system under par. (a). The department shall
9 promulgate rules establishing the method the department will use to make the
10 adjustment.

11 **SECTION 945dt.** 43.24 (1) (c) of the statutes is repealed and recreated to read:

12 43.24 (1) (c) Beginning in the fiscal year in which the total amount of state aid
13 appropriated for public library systems under s. 20.255 (3) (e), as determined by the
14 department, equals at least 11.25% of the total operating expenditures for public
15 library services from local and county sources in the calendar year ending in that
16 fiscal year, the amount paid to each system shall be determined by adding the result
17 of each of the following calculations:

18 1. Multiply the system's percentage of the state's population by the product of
19 the amount appropriated under s. 20.255 (3) (e) and 0.85.

20 2. Multiply the system's percentage of the state's geographical area by the
21 product of the amount appropriated under s. 20.255 (3) (e) and 0.075.

22 3. Divide the sum of the payments to the municipalities and counties in the
23 system under subch. I of ch. 79 for the current fiscal year, as reflected in the
24 statement of estimated payments under s. 79.015, by the total of all payments under
25 subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated

1 payments under s. 79.015, and multiply the result by the product of the amount
2 appropriated under s. 20.255 (3) (e) and 0.075.”.

3 **425.** Page 541, line 4: after that line insert:

4 “**SECTION 946p.** 44.51 (2) of the statutes is repealed.

5 **SECTION 946r.** 44.51 (3) of the statutes is repealed.”.

6 **426.** Page 541, line 5: delete lines 5 to 8.

7 **427.** Page 541, line 9: delete lines 9 to 11.

8 **428.** Page 541, line 12: delete lines 12 to 15.

9 **429.** Page 541, line 15: after that line insert:

10 “**SECTION 948m.** 44.57 of the statutes is repealed.”.

11 **430.** Page 541, line 19: delete “School for the Visually” and substitute “Center
12 for the Blind and Visually Impaired”.

13 **431.** Page 541, line 20: delete “Handicapped”.

14 **432.** Page 552, line 2: before “to” insert “including a community-based
15 residential facility.”.

16 **433.** Page 555, line 10: after that line insert:

17 “**SECTION 999d.** 46.036 (4) (a) of the statutes is amended to read:

18 46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double
19 entry accounting system and a management information system which are
20 compatible with cost accounting and control systems prescribed by the department.
21 The department shall establish a simplified double entry bookkeeping system for use
22 by family-operated group homes. Each purchaser shall determine whether a
23 family-operated group home from which it purchases services shall use the double

1 entry accounting system or the simplified system and shall include this
2 determination in the purchase of service contract. In this paragraph,
3 “family–operated group home” means a group home licensed under s. 48.66 (1) (a) for
4 which the licensee is one or more individuals who operate not more than one group
5 home.”.

6 **434.** Page 555, line 25: after that line insert:

7 “**SECTION 999p.** 46.041 (1) (a) of the statutes is amended to read:

8 46.041 **(1)** (a) Provide for the temporary residence and evaluation of children
9 referred from courts assigned to exercise jurisdiction under chs. 48 and 938, the
10 institutions and services under the jurisdiction of the department, University of
11 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,
12 46.22 or 46.23, private child welfare agencies, ~~schools~~ the Wisconsin School for the
13 ~~deaf and visually handicapped,~~ Deaf, the Wisconsin Center for the Blind and
14 Visually Impaired and mental health facilities within the state at the discretion of
15 the ~~superintendent~~ director of the institution providing services under this section.”.

16 **435.** Page 559, line 21: after that line insert:

17 “**SECTION 1003c.** 46.10 (2m) of the statutes is amended to read:

18 46.10 **(2m)** The liability specified in sub. (2) shall not apply to tuberculosis
19 patients receiving care, maintenance, services and supplies under ss. ~~58.06 and~~
20 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and
21 supplies provided by prisons named in s. 302.01 or to parents of a minor who receives
22 care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor’s parent
23 or guardian.

24 **SECTION 1003t.** 46.18 (1) of the statutes is amended to read:

1 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis
2 ~~hospital or sanatorium~~, or similar institution, shall, subject to regulations approved
3 by the county board, be managed by a board of trustees, electors of the county, chosen
4 by ballot by the county board. At its annual meeting, the county board shall appoint
5 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered
6 3-year terms ending the first Monday in January. Any vacancy shall be filled for the
7 unexpired term by the county board; but the chairperson of the county board may
8 appoint a trustee to fill the vacancy until the county board acts.

9 **SECTION 1003u.** 46.20 (1) of the statutes is amended to read:

10 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
11 members of each county board, provide for a county home, infirmary, hospital,
12 ~~tuberculosis hospital or sanatorium~~, or similar institution, or juvenile detention
13 home, which shall be established, maintained and operated pursuant to all the
14 statutes relating to the establishment, maintenance and operation of similar
15 institutions, respectively, by any single county whose population is less than
16 250,000, except as otherwise provided in this section; and in all respects, except as
17 herein specified, each such institution shall be the county institution of each of the
18 counties so joining.

19 **SECTION 1003v.** 46.20 (3) of the statutes is amended to read:

20 46.20 (3) Upon approval of the site, plans and specifications, as provided in s.
21 ~~252.073 as to tuberculosis sanatoriums~~ and ss. 46.17 and 301.37, as to other
22 institutions, the joint committee shall report to the several county boards the
23 estimated cost of the site and buildings, and the amount thereof chargeable to each
24 county on the basis set forth in sub. (6) (a), appending to each report a copy of the
25 plans and specifications and all matter relating to the site and buildings. If the

1 report is approved by each county board, the joint committee shall purchase the site
2 and cause the buildings to be erected in accordance with the plans and specifications.

3 **SECTION 1003w.** 46.20 (8) of the statutes is repealed.

4 **SECTION 1003x.** 46.20 (10) of the statutes is repealed.”.

5 **436.** Page 559, line 24: delete the material beginning with “, 252.11 (7)” and
6 ending with “(c)” on line 25 and substitute “, and 252.11 (7) and 253.07 (3) (e)”.

7 **437.** Page 561, line 8: delete the material beginning with “, 253.07” and
8 ending with “(c)” on line 9 and substitute “, 253.07 (3) (e)”.

9 **438.** Page 563, line 18: delete the material beginning with “, 253.07” and
10 ending with “(c)” on line 19 and substitute “, 253.07 (3) (e)”.

11 **439.** Page 564, line 25: delete the material beginning with “, 253.07” and
12 ending with “(c)” on page 565, line 1, and substitute “, 253.07 (3) (e)”.

13 **440.** Page 566, line 6: after that line insert:

14 “**SECTION 1032m.** 46.27 (3) (f) of the statutes is amended to read:

15 46.27 (3) (f) Beginning on January 1, 1996, from the annual allocation to the
16 county for the provision of long-term community support services under subs. (7) (b)
17 and (11), annually establish a maximum total amount that may be encumbered in
18 a calendar year for services for eligible individuals in community-based residential
19 facilities. Notwithstanding the maximum, however, a county may not deny services
20 under this section to an eligible individual who resides in a community-based
21 residential facility when the individual becomes eligible, solely because the
22 maximum total amount has been reached.”.

23 **441.** Page 569, line 25: delete “whether or not the person is a private pay
24 admittee at the time of admission.” and substitute “~~whether or not the person is a~~

1 ~~private pay admittee at the time of admission. except that a person seeking~~
2 ~~admission or about to be admitted on a private pay basis may waive the assessment,~~
3 ~~unless the person will be eligible for medical assistance within 6 months of~~
4 ~~assessment.”.~~

5 **442.** Page 570, line 4: after that line insert:

6 “**SECTION 1045g.** 46.27 (7) (cL) of the statutes is created to read:

7 46.27 (7) (cL) No county department or aging unit may deny services to a
8 person under par. (cj) who refused to have an assessment completed as required
9 under par. (cj) 3. a. before the effective date of this paragraph [revisor inserts
10 date].”.

11 **443.** Page 570, line 4: after that line insert:

12 “**SECTION 1045c.** 46.27 (7) (cj) 3. e. of the statutes is amended to read:

13 46.27 (7) (cj) 3. e. The county department or aging unit determines that
14 placement in the community-based residential facility is cost-effective compared to
15 other options, including home care and nursing home care. In making that
16 determination, the county shall consider all state and federal funds needed for all
17 options considered.

18 **SECTION 1045d.** 46.27 (7) (ck) 1. of the statutes is amended to read:

19 46.27 (7) (ck) 1. Subject to the approval of the department, and except as
20 provided in sub. (3) (f). a county may establish and implement more restrictive
21 conditions than those imposed under par. (cj) on the use of funds received under par.
22 (b) for the provision of services to a person in a community-based residential facility.
23 A county that establishes more restrictive conditions under this subdivision shall
24 include the conditions in its community options plan under sub. (3) (cm).

1 **SECTION 1045e.** 46.27 (7) (cm) 1. (intro.) of the statutes is amended to read:

2 46.27 (7) (cm) 1. (intro.) Beginning on January 1, 1996, no county, private
3 nonprofit agency or aging unit may use funds received under par. (b) to provide
4 services in any community-based residential facility that has more than 8 20 beds,
5 unless one of the following applies:

6 **SECTION 1045f.** 46.27 (7) (cm) 1. c. of the statutes is repealed.”.

7 **444.** Page 574, line 8: after that line insert:

8 “**SECTION 1056r.** 46.27 (11) (c) 5q. of the statutes is created to read:

9 46.27 (11) (c) 5q. No county department or aging unit may deny services to a
10 person under subd. 5n. who refused to have an assessment completed as required
11 under subd. 5n. a. before the effective date of this subdivision [revisor inserts
12 date].”.

13 **445.** Page 574, line 23: delete “whether or not the person is a private pay
14 admittee at the time of admission.” and substitute “~~whether or not the person is a~~
15 ~~private pay admittee at the time of admission.~~ except that a person seeking
16 admission or about to be admitted on a private pay basis may waive the assessment,
17 unless the person will be eligible for medical assistance within 6 months of
18 assessment.”.

19 **446.** Page 576, line 3: delete “whether or not the person is a private pay
20 admittee at the time of admission.” and substitute “~~whether or not the person is a~~
21 ~~private pay admittee at the time of admission.~~ except that a person seeking
22 admission or about to be admitted on a private pay basis may waive the assessment,
23 unless the person will be eligible for medical assistance within 6 months of
24 assessment.”.

1 **447.** Page 594, line 9: after “supervision.” insert “A resource center need not
2 provide a financial screen for a person seeking admission or about to be admitted on
3 a private pay basis who waives the requirement for a financial screen under this
4 paragraph, unless the person will be eligible for medical assistance within 6 months
5 after performance of the financial screen.”.

6 **448.** Page 595, line 8: delete “, 253.07 (3) (c)”.

7 **449.** Page 603, line 18: delete “, 253.07 (3) (c)”.

8 **450.** Page 620, line 16: delete “, 253.07 (3) (c)”.

9 **451.** Page 622, line 7: delete lines 7 to 14.

10 **452.** Page 623, line 3: delete “\$1,877,000 for each” and substitute “\$1,877,000
11 for each”.

12 **453.** Page 623, line 4: delete “fiscal year” and substitute “fiscal year
13 \$1,993,400 for fiscal year 1999–2000 and \$2,226,300 for fiscal year 2000–01”.

14 **454.** Page 645, line 22: after that line insert:

15 “**SECTION 1131d.** 48.02 (17) of the statutes is amended to read:

16 48.02 (17) “Shelter care facility” means a nonsecure place of temporary care
17 and physical custody for children, including a holdover room, licensed by the
18 department under s. 48.66 (1) (a).”.

19 **455.** Page 645, line 22: after that line insert:

20 “**SECTION 1130m.** 48.20 (8) of the statutes is amended to read:

21 48.20 (8) If a child is held in custody, the intake worker shall notify the child’s
22 parent, guardian and legal custodian of the reasons for holding the child in custody
23 and of the child’s whereabouts unless there is reason to believe that notice would

1 present imminent danger to the child. The parent, guardian and legal custodian
2 shall also be notified of the time and place of the detention hearing required under
3 s. 48.21, the nature and possible consequences of that hearing, the right to counsel
4 under s. 48.23 regardless of ability to pay and the right to present and cross-examine
5 witnesses at the hearing. If the parent, guardian or legal custodian is not
6 immediately available, the intake worker or another person designated by the court
7 shall provide notice as soon as possible. When the child is 12 years of age or older,
8 the child shall receive the same notice about the detention hearing as the parent,
9 guardian or legal custodian. The intake worker shall notify both the child and the
10 child's parent, guardian or legal custodian. When the child is an expectant mother
11 who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn child,
12 through the unborn child's guardian ad litem, shall receive the same notice about the
13 whereabouts of the child expectant mother, about the reasons for holding the child
14 expectant mother in custody and about the detention hearing as the child expectant
15 mother and her parent, guardian or legal custodian. The intake worker shall notify
16 the child expectant mother, her parent, guardian or legal custodian and the unborn
17 child, by the unborn child's guardian ad litem.

18 **SECTION 1130p.** 48.21 (3) (d) of the statutes is amended to read:

19 48.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian
20 or legal custodian shall be informed by the court of the allegations that have been
21 made or may be made, the nature and possible consequences of this hearing as
22 compared to possible future hearings, the right to counsel under s. 48.23 regardless
23 of ability to pay, the right to confront and cross-examine witnesses and the right to
24 present witnesses.

1 **SECTION 1130r.** 48.23 (2) of the statutes is renumbered 48.23 (2) (a) and
2 amended to read:

3 48.23 (2) (a) Whenever a child is alleged to be in need of protection or services
4 under s. 48.13 or is the subject of a proceeding involving a contested adoption or the
5 involuntary termination of parental rights, any parent under 18 years of age who
6 appears before the court shall be represented by counsel; but no such parent may
7 waive counsel. A minor parent petitioning for the voluntary termination of parental
8 rights shall be represented by a guardian ad litem. If a proceeding involves a
9 contested adoption or the involuntary termination of parental rights, any parent 18
10 years old or older who appears before the court shall be represented by counsel; but
11 the parent may waive counsel provided the court is satisfied such waiver is
12 knowingly and voluntarily made.

13 **SECTION 1130t.** 48.23 (2) (b) of the statutes is created to read:

14 48.23 (2) (b) If a petition under s. 48.13 is contested, no child may be placed
15 outside his or her home unless the nonpetitioning parent is represented by counsel
16 at the fact-finding hearing and subsequent proceedings. If the petition is not
17 contested, the child may not be placed outside his or her home unless the
18 nonpetitioning parent is represented by counsel at the hearing at which the
19 placement is made. A parent who is required under this paragraph to be represented
20 by counsel may, however, waive counsel if the court is satisfied that such waiver is
21 knowingly and voluntarily made, and the court may place the child outside the home
22 even though the parent was not represented by counsel.

23 **SECTION 1130v.** 48.23 (3) of the statutes is amended to read:

24 48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings under~~
25 ~~s. 48.13, at~~ At any time, upon request or on its own motion, the court may appoint

1 counsel for the child or any party, unless the child or the party has or wishes to retain
2 counsel of his or her own choosing. ~~The court may not appoint counsel for any party
3 other than the child in a proceeding under s. 48.13.~~

4 **SECTION 1130x.** 48.23 (4) of the statutes is amended to read:

5 48.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
6 ~~person~~ child has a right to be represented by counsel or is provided counsel at the
7 discretion of the court and counsel is not knowingly and voluntarily waived, the court
8 shall refer the ~~person~~ child to the state public defender and counsel shall be
9 appointed by the state public defender under s. 977.08 without a determination of
10 indigency. If the referral is of a ~~person~~ child who has filed a petition under s. 48.375
11 (7), the state public defender shall appoint counsel within 24 hours after that
12 referral. Any counsel appointed in a petition filed under s. 48.375 (7) shall continue
13 to represent the child in any appeal brought under s. 809.105 unless the child
14 requests substitution of counsel or extenuating circumstances make it impossible for
15 counsel to continue to represent the child. In any situation under sub. (2) or (2m) in
16 which a parent 18 years of age or over or an adult expectant mother is entitled to
17 representation by counsel; counsel is not knowingly and voluntarily waived; and it
18 appears that the parent or adult expectant mother is unable to afford counsel in full,
19 or the parent or adult expectant mother so indicates; the court shall refer the parent
20 or adult expectant mother to the authority for indigency determinations specified
21 under s. 977.07 (1). In any other situation under this section in which a person has
22 a right to be represented by counsel or is provided counsel at the discretion of the
23 court, competent and independent counsel shall be provided and reimbursed in any
24 manner suitable to the court regardless of the person's ability to pay, except that the

1 court may not order a person who files a petition under s. 813.122 or 813.125 to
2 reimburse counsel for the child who is named as the respondent in that petition.”.

3 **456.** Page 646, line 3: after that line insert:

4 “SECTION 1131m. 48.27 (4) (a) 2. of the statutes is amended to read:

5 48.27 (4) (a) 2. Advise the child and any other party, if applicable, of his or her
6 right to legal counsel regardless of ability to pay.”.

7 **457.** Page 647, line 21: after that line insert:

8 “SECTION 1132d. 48.48 (9) of the statutes is amended to read:

9 48.48 (9) To license foster homes or treatment foster homes as provided in s.
10 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
11 requested to do so, for the use of county departments.

12 **SECTION 1133d.** 48.48 (9m) of the statutes is amended to read:

13 48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

14 **SECTION 1134d.** 48.48 (10) of the statutes is amended to read:

15 48.48 (10) To license child welfare agencies and day care centers as provided
16 in s. 48.66 (1) (a).”.

17 **458.** Page 647, line 21: after that line insert:

18 “SECTION 1134h. 48.48 (17) (a) 10. of the statutes is amended to read:

19 48.48 (17) (a) 10. Administer kinship care and long-term kinship care as
20 provided in s. 48.57 (3m), (3n), (3o) and (3p).”.

21 **459.** Page 648, line 18: after that line insert:

22 “SECTION 1138r. 48.551 (2) (a) of the statutes is renumbered 48.55 (2) (a) and

23 amended to read:

1 48.55 (2) (a) Training persons who provide counseling to adolescents including
2 school counselors, county or department employes providing child welfare services
3 under s. 48.56 or 48.561 and employes of a clinic providing family planning services,
4 ~~as defined in s. 253.07 (1) (b) prenatal care and delivery services or infant care, foster~~
5 care or adoption services.”.

6 **460.** Page 648, line 19: on lines 19 and 20, delete “(a).”.

7 **461.** Page 650, line 5: after that line insert:

8 “**SECTION 1143dm.** 48.60 (2) (d) of the statutes is amended to read:

9 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
10 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;”.

11 **462.** Page 650, line 5: after that line insert:

12 “**SECTION 1145p.** 48.57 (3o) of the statutes is created to read:

13 48.57 (3o) (a) In this subsection:

14 1. “Kinship care relative” has the meaning given in sub. (3m) (a).

15 2. “Long-term kinship care relative” has the meaning given in sub. (3n) (a).

16 (b) From the appropriation under s. 20.435 (3) (kc), the department shall
17 reimburse counties having populations of less than 500,000 for payments made
18 under this subsection and shall make payments under this subsection in a county
19 having a population of 500,000 or more. A county department and, in a county
20 having a population of 500,000 or more, the department shall make payments in the
21 amount of \$215 per month to a kinship care relative or a long-term kinship care
22 relative who is providing care and maintenance for a person if the person meets all
23 of the following conditions:

24 1. The person is 18 years of age or over.

1 2. The person is enrolled in and regularly attending a secondary education
2 classroom program leading to a high school diploma.

3 3. The person has not been absent from that program without an acceptable
4 excuse under ss. 118.15 and 118.16 (4) for part or all of any day on which that program
5 is held during the month preceding the month in which a payment under this
6 paragraph is payable.

7 4. The person received funding under sub. (3m) (am) or (3n) (am) immediately
8 prior to the person's 18th birthday.

9 (c) The county department or department making payments under par. (b)
10 shall monitor the classroom attendance of the person receiving care and
11 maintenance under par. (b) and may require consent to the release of school
12 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for payments
13 under par. (b).

14 (d) Subsection (3m) or (3n), whichever is applicable, and subs. (3p) and (3t)
15 shall continue to apply to a kinship care relative, long-term kinship care relative and
16 person receiving care and maintenance under par. (b) in the same manner as those
17 subsections applied to those persons immediately prior to the 18th birthday of the
18 person receiving that care and maintenance.

19 **SECTION 1145t.** 48.57 (3t) of the statutes is amended to read:

20 48.57 (3t) Notwithstanding subs. (3m), (3n), (3o) and (3p), the department may
21 enter into an agreement with the governing body of a federally recognized American
22 Indian tribe or band to allow that governing body to administer the program under
23 subs. (3m), (3n), (3o) and (3p) within the boundaries of that reservation. Any
24 agreement under this subsection relating to the administration of the program under
25 sub. (3m) shall specify the person with whom a request for review under sub. (3p) (h)

1 2. may be filed and the person who has been designated by the governing body to
2 conduct the review under sub. (3p) (h) 3. and make the determination under sub. (3p)
3 (h) 4. Any agreement under this subsection relating to the administration of the
4 program under sub. (3n) shall specify who is to make any determination as to
5 whether a conviction record is satisfactory.”.

6 **463.** Page 651, line 25: after that line insert:

7 “**SECTION 1153d.** 48.66 (1) of the statutes is renumbered 48.66 (1) (a) and
8 amended to read:

9 48.66 (1) (a) Except as provided under in s. 48.715 (6) and (7), the department
10 shall license and supervise child welfare agencies, as required by s. 48.60, group
11 homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and
12 day care centers, as required by s. 48.65. The department may license foster homes
13 or treatment foster homes, as provided by s. 48.62, and may license and supervise
14 county departments in accordance with the procedures specified in this section and
15 in ss. 48.67 to 48.74.

16 (b) Except as provided under in s. 48.715 (6), the department of corrections may
17 license a child welfare agency to operate a secured child caring institution, as defined
18 in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted
19 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or
20 (4m) and referred to the child welfare agency by the court or the department of
21 corrections and to provide supervision, care and maintenance for those juveniles.
22 The department of corrections may also license not more than 5 county departments,
23 as defined in s. 938.02 (2g), or not more than 5 consortia of not more than 5 county
24 departments to operate not more than 5 group homes that have been licensed under

1 par. (a) as secured group homes, as defined in s. 938.02 (15p), for holding in secure
2 custody juveniles who have been convicted under s. 938.183 or adjudicated
3 delinquent under s. 938.183 or 938.34 (4m) and referred to the county department
4 by the court and to provide supervision, care and maintenance for those juveniles.

5 (c) A license issued under ~~this subsection~~ par. (a) or (b), other than a license to
6 operate a foster home, treatment foster home or secured child caring institution or
7 secured group home, is valid until revoked or suspended. A license issued under this
8 subsection to operate a foster home, treatment foster home or secured child caring
9 institution or secured group home may be for any term not to exceed 2 years from the
10 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is
11 transferable.

12 **SECTION 1154d.** 48.66 (2m) (a) of the statutes is amended to read:

13 48.66 (2m) (a) The department of health and family services shall require each
14 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
15 home, shelter care facility or day care center who is an individual to provide that
16 department with the applicant's social security number, and shall require each
17 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
18 home, shelter care facility or day care center who is not an individual to provide that
19 department with the applicant's federal employer identification number, when
20 initially applying for or applying to continue the license.

21 **SECTION 1155d.** 48.66 (2m) (am) of the statutes is amended to read:

22 48.66 (2m) (am) The department of corrections shall require each applicant for
23 a license under sub. (1) (b) to operate a secured child caring institution who is an
24 individual to provide that department with the applicant's social security number
25 when initially applying for or applying to renew the license.

1 **SECTION 1156d.** 48.66 (2m) (b) of the statutes is amended to read:

2 48.66 **(2m)** (b) The department of health and family services may not issue or
3 continue a license under sub. (1) (a) to operate a child welfare agency, group home,
4 shelter care facility or day care center to or for an applicant who is an individual
5 unless the applicant has provided the applicant's social security number to that
6 department and may not issue or continue a license under sub. (1) (a) to operate a
7 child welfare agency, group home, shelter care facility or day care center to or for an
8 applicant who is not an individual unless the applicant has provided the applicant's
9 federal employer identification number to that department.

10 **SECTION 1157d.** 48.66 (2m) (bm) of the statutes is amended to read:

11 48.66 **(2m)** (bm) The department of corrections may not issue or renew a license
12 under sub. (1) (b) to operate a secured child caring institution to or for an applicant
13 who is an individual unless the applicant has provided the applicant's social security
14 number to that department.

15 **SECTION 1158d.** 48.68 (1) of the statutes is amended to read:

16 48.68 **(1)** After receipt of an application for a license, the department shall
17 investigate to determine if the applicant meets the minimum requirements for a
18 license adopted by the department under s. 48.67 and meets the requirements
19 specified in s. 48.685, if applicable. In determining whether to issue or continue a
20 license, the department may consider any action by the applicant, or by an employe
21 of the applicant, that constitutes a substantial failure by the applicant or employe
22 to protect and promote the health, safety and welfare of a child. Upon satisfactory
23 completion of this investigation and payment of the fee required under s. 48.615 (1)
24 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
25 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69

1 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
2 licensure and license renewal, the department shall provide a foster home licensee
3 with written information relating to the age-related monthly foster care rates and
4 supplemental payments specified in s. 48.62 (4), including payment amounts,
5 eligibility requirements for supplemental payments and the procedures for applying
6 for supplemental payments.”.

7 **464.** Page 651, line 25: after that line insert:

8 “**SECTION 1151d.** 48.651 (2m) of the statutes is amended to read:

9 48.651 (**2m**) Each county department shall provide the department with
10 information about each person who is denied certification for a reason specified in
11 s. 48.685 (~~2~~) (**4m**) (a) 1. to 5.

12 **SECTION 1159d.** 48.685 (1) (a) of the statutes is renumbered 48.685 (1) (am).

13 **SECTION 1159g.** 48.685 (1) (ag) of the statutes is created to read:

14 48.685 (**1**) (ag) 1. “Caregiver” means any of the following:

15 a. A person who is, or is expected to be, an employe or contractor of an entity
16 and who has, or is expected to have, direct, regular contact with clients of the entity.

17 b. A person who has, or is seeking, a license, certification or contract to operate
18 an entity.

19 2. “Caregiver” does not include a person who is certified as an emergency
20 medical technician under s. 146.50 if the person is employed, or seeking employment,
21 at an entity as an emergency medical technician.

22 **SECTION 1159m.** 48.685 (1) (ar) of the statutes is created to read:

1 48.685 (1) (ar) “Contractor” means, with respect to an entity, a person, or that
2 person’s agent, who provides services to the entity under an express or implied
3 contract or subcontract, including a person who has staff privileges at the entity.

4 **SECTION 1159r.** 48.685 (1) (b) of the statutes is amended to read:

5 48.685 (1) (b) “Entity” means a child welfare agency that is licensed under s.
6 48.60 to provide care and maintenance for children, to place children for adoption or
7 to license foster homes or treatment foster homes; a foster home or treatment foster
8 home that is licensed under s. 48.62; a group home that is licensed under s. 48.625;
9 a shelter care facility that is licensed under s. 938.22; a day care center that is
10 licensed under s. 48.65 or established or contracted for under s. 120.13 (14); ~~or a day~~
11 ~~care provider that is certified under s. 48.651; or a temporary employment agency~~
12 ~~that provides caregivers to another entity.”.~~

13 **465.** Page 652, line 4: after that line insert:

14 “**SECTION 1160e.** 48.685 (1) (bm) of the statutes is created to read:

15 48.685 (1) (bm) “Nonclient resident” means a person who resides, or is expected
16 to reside, at an entity, who is not a client of the entity and who has, or is expected to
17 have, direct, regular contact with clients of the entity.

18 **SECTION 1160f.** 48.685 (1) (c) of the statutes is repealed and recreated to read:

19 48.685 (1) (c) “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
20 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
21 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055,
22 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
23 a violation of the law of any other state or United States jurisdiction that would be
24 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),

1 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
2 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
3 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.”.

4 **466.** Page 652, line 9: delete lines 9 to 16 and substitute:

5 “**SECTION 1161d.** 48.685 (2) (a) (intro.) of the statutes is renumbered 48.685
6 (4m) (a) (intro.).

7 **SECTION 1161g.** 48.685 (2) (a) 1. of the statutes is renumbered 48.685 (4m) (a)
8 1.

9 **SECTION 1161h.** 48.685 (2) (a) 2. of the statutes is repealed.

10 **SECTION 1161i.** 48.685 (2) (a) 3. of the statutes is renumbered 48.685 (4m) (a)
11 3.

12 **SECTION 1161j.** 48.685 (2) (a) 4. of the statutes is renumbered 48.685 (4m) (a)
13 4.

14 **SECTION 1161k.** 48.685 (2) (a) 5. of the statutes is renumbered 48.685 (4m) (a)
15 5.

16 **SECTION 1161m.** 48.685 (2) (ad) of the statutes is renumbered 48.685 (4m) (ad)
17 and amended to read:

18 48.685 (4m) (ad) The department, a county department or a child welfare
19 agency may license a foster home or treatment foster home under s. 48.62, a county
20 department may certify a day care provider under s. 48.651 and a school board may
21 contract with a person under s. 120.13 (14), conditioned on the receipt of the
22 information specified in ~~par.~~ sub. (2) (am) indicating that the person is not ineligible
23 to be licensed, certified or contracted with for a reason specified in par. (a) 1. to 5.

1 **SECTION 1163d.** 48.685 (2) (ag) (intro.) of the statutes is renumbered 48.685
2 (4m) (b) (intro.) and amended to read:

3 48.685 **(4m)** (b) (intro.) Notwithstanding s. 111.335, and except as provided in
4 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
5 ~~entity's control, as defined by the department by rule, and who is expected to have~~
6 ~~access to its clients, caregiver or permit a nonclient resident to reside at the entity~~
7 ~~a person who is not a client and who is expected to have access to a client, if the entity~~
8 knows or should have known any of the following:

9 **SECTION 1163g.** 48.685 (2) (ag) 1. of the statutes is renumbered 48.685 (4m) (b)
10 1. and amended to read:

11 48.685 **(4m)** (b) 1. That the person has been convicted of a serious crime or, if
12 the person is an ~~employee, prospective employee, contractor, prospective contractor,~~
13 ~~nonclient resident or prospective~~ a caregiver or nonclient resident of a day care
14 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
15 (14) or of a day care provider that is certified under s. 48.651, that the person has been
16 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
17 birthday for committing a serious crime.

18 **SECTION 1163h.** 48.685 (2) (ag) 2. of the statutes is repealed.

19 **SECTION 1163i.** 48.685 (2) (ag) 3. of the statutes is renumbered 48.685 (4m) (b)
20 3.

21 **SECTION 1163j.** 48.685 (2) (ag) 4. of the statutes is renumbered 48.685 (4m) (b)
22 4.

23 **SECTION 1163k.** 48.685 (2) (ag) 5. of the statutes is renumbered 48.685 (4m) (b)
24 5.

25 **SECTION 1165d.** 48.685 (2) (am) (intro.) of the statutes is amended to read:

1 48.685 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department,
2 a county department, a child welfare agency or a school board shall obtain all of the
3 following with respect to a ~~person specified under par. (a) (intro.) and a person~~
4 ~~specified under par. (ag) (intro.) who is a nonclient resident or prospective~~ caregiver
5 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity and shall obtain the
6 ~~information specified in subds. 1. to 5. with respect to a person specified in par. (ag)~~
7 ~~(intro.) who is under 18 years of age, but not under 12 years of age, and who is an~~
8 ~~employe, prospective employe, contractor, prospective contractor, nonclient resident~~
9 ~~or prospective nonclient resident~~ a caregiver of a day care center that is licensed
10 under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care
11 provider that is certified under s. 48.651:

12 **SECTION 1165g.** 48.685 (2) (am) 5. of the statutes is amended to read:

13 48.685 (2) (am) 5. Information maintained by the department under this
14 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
15 to the person of a license, continuation or renewal of a license, certification or a
16 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and
17 regarding any denial to the person of employment at, a contract with or permission
18 to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b)~~ 1. to 5. If the
19 information obtained under this subdivision indicates that the person has been
20 denied a license, continuation or renewal of a license, certification, a contract,
21 employment or permission to reside as described in this subdivision, the department,
22 a county department, a child welfare agency or a school board need not obtain the
23 information specified in subds. 1. to 4.

24 **SECTION 1167d.** 48.685 (2) (b) 1. (intro.) of the statutes is amended to read:

1 48.685 (2) (b) 1. (intro.) ~~Subject to subds. 1. e. and 2., and 4. par. (bd), every~~
2 Every entity shall obtain all of the following with respect to a ~~person specified under~~
3 ~~par. (ag) (intro.) who is an employe, prospective employe, contractor or prospective~~
4 ~~contractor~~ caregiver of the entity:

5 **SECTION 1167g.** 48.685 (2) (b) 1. e. of the statutes is amended to read:

6 48.685 (2) (b) 1. e. Information maintained by the department under this
7 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
8 to the person of a license, continuation or renewal of a license, certification or a
9 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and
10 regarding any denial to the person of employment at, a contract with or permission
11 to reside at an entity for a reason specified in ~~par. (ag) sub. (4m)~~ (b) 1. to 5. If the
12 information obtained under this subd. 1. e. indicates that the person has been denied
13 a license, continuation or renewal of a license, certification, a contract, employment
14 or permission to reside as described in this subd. 1. e., the entity need not obtain the
15 information specified in subd. 1. a. to d.

16 **SECTION 1168d.** 48.685 (2) (b) 2. of the statutes is repealed.

17 **SECTION 1168g.** 48.685 (2) (b) 4. of the statutes is amended to read:

18 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
19 18 years of age, but not under 12 years of age, who is ~~an employe, prospective~~
20 ~~employe, contractor, prospective contractor, nonclient resident or prospective a~~
21 caregiver or nonclient resident of a day care center that is licensed under s. 48.65 or
22 established or contracted for under s. 120.13 (14) or of a day care provider that is
23 certified under s. 48.651 and with respect to whom the department, a county
24 department or a school board is required under par. (am) (intro.) to obtain the
25 information specified in par. (am) 1. to 5.

1 **SECTION 1169m.** 48.685 (2) (bb) of the statutes is created to read:

2 48.685 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
3 of a serious crime or of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08,
4 947.01 or 947.013 without a recorded disposition, the department or entity shall
5 make every reasonable effort to determine the disposition of the charge.

6 **SECTION 1170d.** 48.685 (2) (bd) of the statutes is amended to read:

7 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
8 department, a child welfare agency or a school board is not required to obtain the
9 information specified in par. (am) 1. to 5., and an entity is not required to obtain the
10 information specified in par. (b) 1. a. to e., with respect to a person under 18 years
11 of age whose background information form under sub. (6) (am) indicates that the
12 person is not ineligible to be employed, contracted with or permitted to reside at an
13 entity for a reason specified in ~~par. (ag)~~ sub. (4m) (b) 1. to 5. and with respect to whom
14 the department, county department, child welfare agency, school board or entity
15 otherwise has no reason to believe that the person is ineligible to be employed,
16 contracted with or permitted to reside at an entity for any of those reasons. This
17 paragraph does not preclude the department, a county department, a child welfare
18 agency or a school board from obtaining, at its discretion, the information specified
19 in par. (am) 1. to 5. with respect to a person described in this paragraph who is a
20 nonclient resident or a prospective nonclient resident of an entity.

21 **SECTION 1170m.** 48.685 (2) (bg) of the statutes is amended to read:

22 48.685 (2) (bg) If an entity ~~takes an action specified in par. (ag) (intro.) with~~
23 ~~respect to an employe, prospective employe, contractor or prospective contractor~~
24 hires or contracts with a caregiver for whom, within the last 4 years, the information
25 required under par. (b) 1. a. to c. and e. has already been obtained, ~~either by another~~

1 entity ~~or by a temporary employment agency~~, the entity may obtain the that
2 information required under ~~par. (b) 1. a. to c. and e.~~ from that other entity ~~or~~
3 ~~temporary employment agency~~, which shall provide the information, if possible, to
4 the requesting entity. If an entity cannot obtain the information required under par.
5 (b) 1. a. to c. and e. from another entity ~~or from a temporary employment agency~~ or
6 if an entity has reasonable grounds to believe that any information obtained from
7 another entity ~~or from a temporary employment agency~~ is no longer accurate, the
8 entity shall obtain that information from the sources specified in par. (b) 1. a. to c.
9 and e.

10 **SECTION 1170n.** 48.685 (2) (bg) of the statutes, as affected by 1999 Wisconsin
11 Act (this act), is amended to read:

12 48.685 (2) (bg) If an entity ~~hires~~ employs or contracts with a caregiver for
13 whom, within the last 4 years, the information required under par. (b) 1. a. to c. and
14 e. has already been obtained by another entity, the entity may obtain that
15 information from that other entity, which shall provide the information, if possible,
16 to the requesting entity. If an entity cannot obtain the information required under
17 par. (b) 1. a. to c. and e. from another entity or if an entity has reasonable grounds
18 to believe that any information obtained from another entity is no longer accurate,
19 the entity shall obtain that information from the sources specified in par. (b) 1. a. to
20 c. and e.

21 **SECTION 1171d.** 48.685 (2) (bm) of the statutes is amended to read:

22 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
23 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
24 the date of the search that person has not been a resident of this state, the
25 department, county department, child welfare agency, school board or entity shall

1 make a good faith effort to obtain from any state or other United States jurisdiction
2 in which the person is a resident or was a resident within the 3 years preceding the
3 date of the search information that is equivalent to the information specified in par.
4 (am) 1. or (b) 1. a.

5 **SECTION 1171g.** 48.685 (2) (c) of the statutes is renumbered 48.685 (4m) (c) and
6 amended to read:

7 48.685 **(4m)** (c) If the background information form completed by a person
8 under sub. (6) (am) indicates that the person is not ineligible to be employed or
9 contracted with for a reason specified in par. ~~(ag)~~ (b) 1. to 5., an entity may employ
10 or contract with the person for not more than 60 days pending the receipt of the
11 information sought under ~~par. sub. (2)~~ (am) 1. to 5. or (b) 1. If the background
12 information form completed by a person under sub. (6) (am) indicates that the person
13 is not ineligible to be permitted to reside at an entity for a reason specified in par. ~~(ag)~~
14 (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is
15 ineligible to be permitted to reside at an entity for any of those reasons, the entity
16 may permit the person to reside at the entity for not more than 60 days pending
17 receipt of the information sought under ~~par. sub. (2)~~ (am). An entity shall provide
18 supervision for a person who is employed, contracted with or permitted to reside as
19 permitted under this paragraph.

20 **SECTION 1171j.** 48.685 (2) (d) of the statutes is created to read:

21 48.685 **(2)** (d) Every entity shall maintain, or shall contract with another
22 person to maintain, the most recent background information obtained on a caregiver
23 under par. (b). The information shall be made available for inspection by authorized
24 persons, as defined by the department by rule.

25 **SECTION 1172d.** 48.685 (3) (a) of the statutes is amended to read:

1 48.685 (3) (a) Every 4 years or at any time within that period that the
2 department, a county department, a child welfare agency or a school board considers
3 appropriate, the department, county department, child welfare agency or school
4 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
5 who are licensed, certified or contracted to operate an entity ~~and~~, for all persons
6 ~~specified in par. (ag) (intro.)~~ who are nonclient residents of an entity and shall
7 ~~request the information specified in sub. (2) (am) 1. to 5.~~ for all persons under 18
8 years of age, but not under 12 years of age, who are ~~employees, contractors or~~
9 ~~nonclient residents~~ caregivers of a day care center that is licensed under s. 48.65 or
10 established or contracted for under s. 120.13 (4) or of a day care provider that is
11 certified under s. 48.651.

12 **SECTION 1172g.** 48.685 (3) (b) of the statutes is amended to read:

13 48.685 (3) (b) Every 4 years or at any time within that period that an entity
14 considers appropriate, the entity shall request the information specified in sub. (2)
15 (b) 1. a. to e. for all persons ~~specified in sub. (2) (ag) (intro.)~~ ~~employees or contractors~~
16 who are caregivers of the entity other than persons ~~who are~~ under 18 years of age,
17 but not under 12 years of age ~~and~~, who are ~~employees, contractors or nonclient~~
18 ~~residents~~ caregivers of a day care center that is licensed under s. 48.65 or established
19 or contracted for under s. 120.13 (14) or of a day care provider that is certified under
20 s. 48.651.

21 **SECTION 1173d.** 48.685 (3m) of the statutes is amended to read:

22 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
23 county department, a child welfare agency or a school board has obtained the
24 information required under sub. (2) (am) or (3) (a) with respect to a person specified
25 ~~in sub. (2) (a) (intro.)~~ who is a caregiver specified in sub. (1) (ag) 1. b. and that person

1 is also an employe, contractor or nonclient resident of an entity, the entity is not
2 required to obtain the information specified in sub. (2) (b) 1. or (3) (b) with respect
3 to that person.

4 **SECTION 1173g.** 48.685 (4) of the statutes is amended to read:

5 48.685 (4) An entity that violates sub. (2) ~~or~~ (3) or (4m) (b) may be required to
6 forfeit not more than \$1,000 and may be subject to other sanctions specified by the
7 department by rule.

8 **SECTION 1173j.** 48.685 (4m) (b) (intro.) of the statutes, as affected by 1999
9 Wisconsin Act (this act), is amended to read:

10 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
11 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit a
12 nonclient resident to reside at the entity, if the entity knows or should have known
13 any of the following:

14 **SECTION 1174d.** 48.685 (5) (a) of the statutes is amended to read:

15 48.685 (5) (a) The department may license to operate an entity, a county
16 department may certify under s. 48.651, a county department or a child welfare
17 agency may license under s. 48.62 and a school board may contract with under s.
18 120.13 (14) a person who otherwise may not be licensed, certified or contracted with
19 for a reason specified in sub. ~~(2)~~ (4m) (a) 1. to 5., and an entity may employ, contract
20 with or permit to reside at the entity a person who otherwise may not be employed,
21 contracted with or permitted to reside at the entity for a reason specified in sub. ~~(2)~~
22 ~~(ag)~~ (4m) (b) 1. to 5., if the person demonstrates to the department, the county
23 department, the child welfare agency or the school board or, in the case of an entity
24 that is located within the boundaries of a federally recognized American Indian
25 reservation, to the tribal governing body of that reservation by clear and convincing

1 evidence and in accordance with procedures established by the department by rule
2 or by the tribal governing body that he or she has been rehabilitated.

3 **SECTION 1174g.** 48.685 (5) (b) (intro.) of the statutes is amended to read:

4 48.685 (5) (b) (intro.) For purposes other than licensing a foster home or
5 treatment foster home, no person who has been convicted of any of the following
6 offenses, and no person who is an applicant for issuance or continuation of a license
7 to operate a day care center or for initial certification as a day care provider under
8 s. 48.651 or for renewal of that certification, who is proposing to contract with a school
9 board under s. 120.13 (14) or to renew a contract under that subsection or who is an
10 ~~employe, prospective employe, contractor, prospective contractor, nonclient resident~~
11 ~~or prospective~~ a caregiver or nonclient resident of a day care center that is licensed
12 under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care
13 provider that is certified under s. 48.651, and who has been convicted of any of the
14 following offenses or adjudicated delinquent on or after his or her 12th birthday for
15 committing any of the following offenses, may be permitted to demonstrate that he
16 or she has been rehabilitated until the later of at least 5 years after the date of that
17 conviction or adjudication or at least 5 years after the date of the person's release
18 from imprisonment, a secured juvenile facility or a commitment order:

19 **SECTION 1174j.** 48.685 (5) (b) 1. of the statutes is repealed.

20 **SECTION 1174k.** 48.685 (5) (b) 4. of the statutes is repealed.

21 **SECTION 1174L.** 48.685 (5) (b) 5. of the statutes is repealed.

22 **SECTION 1175m.** 48.685 (5d) of the statutes is created to read:

23 48.685 (5d) (a) Any tribal governing body that chooses to conduct
24 rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation
25 review plan that includes all of the following:

- 1 1. The criteria to be used to determine if a person has been rehabilitated.
- 2 2. The title of the person or body designated by the tribe to whom a request for
- 3 review must be made.
- 4 3. The title of the person or body designated by the tribe to determine whether
- 5 a person has been rehabilitated.
- 6 4. The manner in which the tribe will submit information relating to a
- 7 rehabilitation review to the department so that the department may include that
- 8 information in its report to the legislature required under sub. (5g).
- 9 5. A copy of the form to be used to request a review and a copy of the form on
- 10 which a written decision is to be made regarding whether a person has demonstrated
- 11 rehabilitation.

12 (b) The department shall approve or disapprove the plan under par. (a) within
13 90 days after receiving the plan. If the department disapproves the plan, the tribe
14 may, within 30 days after receiving notice of the disapproval, request that the
15 secretary review the department's decision.

16 **SECTION 1176d.** 48.685 (5m) of the statutes is amended to read:

17 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
18 a person to operate an entity, a county department or a child welfare agency may
19 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
20 may refuse to ~~employ, hire or contract with a caregiver or permit a nonclient resident~~
21 ~~to reside at the entity a person specified in sub. (2) (ag) (intro.)~~ if the person has been
22 convicted of an offense that ~~the department has not defined as a "serious crime" by~~
23 ~~rule promulgated under sub. (7) (a), or specified in the list established by rule under~~
24 ~~sub. (7) (b) is not a serious crime,~~ but that is, in the estimation of the department,
25 county department, child welfare agency, or entity, substantially related to the care

1 of a client. Notwithstanding s. 111.335, the department may refuse to license a
2 person to operate a day care center, a county department may refuse to certify a day
3 care provider under s. 48.651, a school board may refuse to contract with a person
4 under s. 120.13 (14), a day care center that is licensed under s. 48.65 or established
5 or contracted for under s. 120.13 (14) and a day care provider that is certified under
6 s. 48.651 may refuse to ~~employ~~, hire or contract with a caregiver or permit a nonclient
7 resident to reside at the day care center or day care provider ~~a person specified in sub.~~
8 ~~(2) (ag) (intro.)~~ if the person has been convicted of or adjudicated delinquent on or
9 after his or her 12th birthday for an offense that ~~the department has not defined as~~
10 ~~a “serious crime” by rule promulgated under sub. (7) (a), or specified in the list~~
11 ~~established by rule under sub. (7) (b)~~ is not a serious crime, but that is, in the
12 estimation of the department, county department, school board, day care center or
13 day care provider, substantially related to the care of a client.

14 **SECTION 1176g.** 48.685 (5m) of the statutes, as affected by 1999 Wisconsin Act
15 (this act), is amended to read:

16 **48.685 (5m)** Notwithstanding s. 111.335, the department may refuse to license
17 a person to operate an entity, a county department or a child welfare agency may
18 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
19 may refuse to ~~hire~~ employ or contract with a caregiver or permit a nonclient resident
20 to reside at the entity if the person has been convicted of an offense that is not a
21 serious crime, but that is, in the estimation of the department, county department,
22 child welfare agency or entity, substantially related to the care of a client.
23 Notwithstanding s. 111.335, the department may refuse to license a person to
24 operate a day care center, a county department may refuse to certify a day care
25 provider under s. 48.651, a school board may refuse to contract with a person under

1 s. 120.13 (14), a day care center that is licensed under s. 48.65 or established or
2 contracted for under s. 120.13 (14) and a day care provider that is certified under s.
3 48.651 may refuse to ~~hire~~ employ or contract with a caregiver or permit a nonclient
4 resident to reside at the day care center or day care provider if the person has been
5 convicted of or adjudicated delinquent on or after his or her 12th birthday for an
6 offense that is not a serious crime, but that is, in the estimation of the department,
7 county department, school board, day care center or day care provider, substantially
8 related to the care of a client.

9 **SECTION 1177r.** 48.685 (6) (am) (intro.) of the statutes is renumbered 48.685
10 (6) (am) and amended to read:

11 48.685 **(6)** (am) Every 4 years an entity shall require all of the following persons
12 its caregivers and nonclient residents to complete a background information form
13 that is provided to the entity by the department:.

14 **SECTION 1178d.** 48.685 (6) (am) 1. of the statutes is repealed.

15 **SECTION 1178g.** 48.685 (6) (am) 2. of the statutes is repealed.

16 **SECTION 1179d.** 48.685 (6) (b) of the statutes is renumbered 48.685 (6) (b) 1.
17 and amended to read:

18 48.685 **(6)** (b) 1. For ~~persons specified under par. (a)~~ caregivers who are licensed
19 by the department, for ~~persons specified in par. (am) 1. who are under 18 years of age,~~
20 ~~but not under 12 years of age, and who are employes, prospective employes,~~
21 ~~contractors or prospective contractors~~ caregivers of a day care center that is licensed
22 under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care
23 provider that is certified under s. 48.651, for ~~persons specified in par. (am) 2. who are~~
24 ~~nonclient residents or prospective nonclient residents~~ of an entity that is licensed by

1 the department, and for other persons specified by the department by rule, the entity
2 shall send the background information form to the department.

3 ~~2. For persons specified under par. (a) caregivers who are licensed or certified~~
4 ~~by a county department, for persons specified in par. (am) 2. who are nonclient~~
5 ~~residents or prospective nonclient residents of an entity that is licensed or certified~~
6 ~~by a county department and for other persons specified by the department by rule,~~
7 ~~the entity shall send the background information form to the county department.~~

8 ~~3. For persons specified under par. (a) caregivers who are licensed by a child~~
9 ~~welfare agency, for persons specified in par. (am) 2. who are nonclient residents or~~
10 ~~prospective nonclient residents of an entity that is licensed by a child welfare agency~~
11 ~~and for other persons specified by the department by rule, the entity shall send the~~
12 ~~background information form to the child welfare agency~~

13 ~~4. For persons specified under par. (a) caregivers who are contracted with by~~
14 ~~a school board, for persons specified in par. (am) 2. who are nonclient residents or~~
15 ~~prospective nonclient residents of an entity that is contracted with by a school board~~
16 ~~and for other persons specified by the department by rule, the entity shall send the~~
17 ~~background information form to the school board. For all other persons specified~~
18 ~~under par. (am) 1., the entity shall maintain the background information form on file~~
19 ~~for inspection by the department, county department, child welfare agency or school~~
20 ~~board, whichever is applicable.~~

21 **SECTION 1180g.** 48.685 (7) (a) of the statutes is repealed.

22 **SECTION 1180h.** 48.685 (7) (b) of the statutes is repealed.”.

23 **467.** Page 652, line 24: after that line insert:

24 **“SECTION 1182d.** 48.69 of the statutes is amended to read:

1 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
2 if any child welfare agency, shelter care facility, group home or day care center that
3 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,
4 meets the minimum requirements for a license established under s. 48.67 and pays
5 the applicable fee referred to in s. 48.68 (1), the department shall issue a
6 probationary license to that child welfare agency, shelter care facility, group home
7 or day care center. A probationary license is valid for up to 6 months after the date
8 of issuance unless renewed under this section or suspended or revoked under s.
9 48.715. Before a probationary license expires, the department shall inspect the child
10 welfare agency, shelter care facility, group home or day care center holding the
11 probationary license and, except as provided under s. 48.715 (6) and (7), if the child
12 welfare agency, shelter care facility, group home or day care center meets the
13 minimum requirements for a license established under s. 48.67, the department
14 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this
15 section may be renewed for one 6–month period.

16 **SECTION 1183d.** 48.715 (1) of the statutes is amended to read:

17 48.715 (1) In this section, “licensee” means a person who holds a license under
18 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
19 agency, shelter care facility, group home or day care center.

20 **SECTION 1184d.** 48.715 (2) (a) of the statutes is amended to read:

21 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
22 facility, group home or day care center if the child welfare agency, shelter care facility,
23 group home or day care center is without a license in violation of s. 48.66 (1) (a) or
24 a probationary license in violation of s. 48.69.

25 **SECTION 1185d.** 48.715 (2) (b) of the statutes is amended to read:

1 48.715 **(2)** (b) That a person who employs a person who has had a license under
2 s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous
3 5 years terminate the employment of that person within 30 days after the date of the
4 order. This paragraph includes employment of a person in any capacity, whether as
5 an officer, director, agent or employe.

6 **SECTION 1186d.** 48.715 (4) (intro.) of the statutes is amended to read:

7 48.715 **(4)** (intro.) If the department provides written notice of revocation and
8 the grounds for revocation as provided in sub. (4m) and an explanation of the process
9 for appealing a revocation under this subsection, the department may revoke a
10 license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69
11 for any of the following reasons:

12 **SECTION 1187d.** 48.715 (5) of the statutes is amended to read:

13 48.715 **(5)** The department may deny a license under s. 48.66 (1) (a) or a
14 probationary license under s. 48.69 to any person who has had a license under s.
15 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5
16 years.

17 **SECTION 1188d.** 48.715 (6) of the statutes is amended to read:

18 48.715 **(6)** The department of health and family services shall deny, suspend,
19 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a
20 probationary license under s. 48.69 to operate a child welfare agency, group home,
21 shelter care facility or day care center, and the department of corrections shall deny,
22 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)
23 (b) to operate a secured child caring institution, for failure of the applicant or licensee
24 to pay court-ordered payments of child or family support, maintenance, birth
25 expenses, medical expenses or other expenses related to the support of a child or

1 former spouse or for failure of the applicant or licensee to comply, after appropriate
2 notice, with a subpoena or warrant issued by the department of workforce
3 development or a county child support agency under s. 59.53 (5) and related to
4 paternity or child support proceedings, as provided in a memorandum of
5 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
6 taken under this subsection is subject to review only as provided in the memorandum
7 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

8 **SECTION 1189d.** 48.715 (7) of the statutes is amended to read:

9 48.715 (7) The department shall deny an application for the issuance or
10 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
11 to operate a child welfare agency, group home, shelter care facility or day care center,
12 or revoke such a license already issued, if the department of revenue certifies under
13 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action
14 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
15 and not as provided in s. 48.72.”.

16 **468.** Page 653, line 3: after that line insert:

17 “**SECTION 1189r.** 48.75 (1m) of the statutes is amended to read:

18 48.75 (1m) Each child welfare agency and public licensing agency shall provide
19 the subunit of the department that administers s. 48.685 with information about
20 each person who is denied a license for a reason specified in s. 48.685 (2) (4m) (a) 1.
21 to 5.”.

22 **469.** Page 655, line 23: after that line insert:

23 “**SECTION 1201p.** 49.001 (1r) of the statutes is created to read:

1 49.001 (1r) “Family planning” means voluntary action by individuals to
2 prevent or aid conception. “Family planning” does not include the performance,
3 promotion, encouragement or counseling in favor of, or referral either directly or
4 through an intermediary for, voluntary termination of pregnancy, but may include
5 the promotion, encouragement or counseling in favor of, or referral directly or
6 through an intermediary for any of the following:

7 (a) Prenatal care and delivery.

8 (b) Infant care, foster care or adoption.

9 **SECTION 1201q.** 49.001 (1s) of the statutes is created to read:

10 49.001 (1s) “Family planning services” mean counseling by trained personnel
11 regarding family planning; distribution of information relating to family planning;
12 and referral to licensed nurse practitioners within the scope of their practice,
13 licensed physicians or local health departments for consultation, examination,
14 medical treatment and prescriptions for the purpose of family planning.”.

15 **470.** Page 655, line 23: after that line insert:

16 “**SECTION 1201t.** 49.015 (1m) (b) 5. of the statutes is created to read:

17 49.015 (1m) (b) 5. The individual has infectious tuberculosis, as defined in s.
18 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).”.

19 **471.** Page 657, line 5: after that line insert:

20 “**SECTION 1207m.** 49.08 of the statutes is amended to read:

21 **49.08 Recovery of relief and other assistance.** If any person is the owner
22 of property at the time of receiving general relief under ch. 49, 1993 stats., relief
23 funded by a relief block grant or other assistance as an inmate of any county or
24 municipal institution in which the state is not chargeable with all or a part of the

1 inmate's maintenance or as a tuberculosis patient provided for in ss. ~~58.06 and~~
2 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,
3 the authorities charged with the care of the dependent, or the board in charge of the
4 institution, may sue for the value of the relief or other assistance from the person or
5 the person's estate. Except as otherwise provided in this section, the 10-year statute
6 of limitations may be pleaded in defense in an action to recover relief or other
7 assistance. Where the recipient of relief or other assistance is deceased, a claim may
8 be filed against the decedent's estate and the statute of limitations specified in s.
9 859.02 shall be exclusively applicable. The court may refuse to render judgment or
10 allow the claim in any case where a parent, spouse, surviving spouse or child is
11 dependent on the property for support. The court in rendering judgment shall take
12 into account the current family budget requirement as fixed by the U.S. department
13 of labor for the community or as fixed by the authorities of the community in charge
14 of public assistance. The records kept by the municipality, county or institution are
15 prima facie evidence of the value of the relief or other assistance furnished. ~~This~~
16 ~~section shall not apply to any person who receives care for pulmonary tuberculosis~~
17 ~~as provided in s. 252.08 (4).".~~

18 **472.** Page 663, line 25: delete that line.

19 **473.** Page 664, line 1: delete lines 1 to 6.

20 **474.** Page 676, line 21: after that line insert:

21 **"SECTION 1274m.** 49.159 (2) of the statutes is amended to read:

22 49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.

23 A custodial parent who is under the age of 18 is eligible, regardless of that
24 individual's or that individual's parent's income or assets, to meet with a financial

1 and employment planner. The financial and employment planner may provide the
2 individual with information regarding Wisconsin works eligibility, available child
3 care services, employment and financial planning, ~~family planning services, as~~
4 ~~defined in s. 253.07(1)(b)~~, community resources, eligibility for food stamps and other
5 food and nutrition programs.”.

6 **475.** Page 682, line 16: delete “49.143 (3p)” and substitute “49.179”.

7 **476.** Page 683, line 8: delete lines 8 and 9 and substitute:

8 “(j) *Funeral expenses.* For funeral expenses under s. 49.30, \$3,300,000 in fiscal
9 year 1999–2000 and \$3,925,100 in fiscal year 2000–01.”.

10 **477.** Page 683, line 10: delete lines 10 and 11.

11 **478.** Page 684, line 8: delete “\$9,700,000” and substitute “10,000,000”.

12 **479.** Page 685, line 12: after “(3n)” insert “, (3o)”.

13 **480.** Page 686, line 6: after “46.93” insert “, 46.99”.

14 **481.** Page 687, line 1: delete lines 1 and 2.

15 **482.** Page 687, line 10: delete lines 10 and 11.

16 **483.** Page 689, line 19: delete the material beginning with that line and
17 ending with page 690, line 22.

18 **484.** Page 691, line 4: delete “to (d)” and substitute “~~to (d)~~ and (c)”.

19 **485.** Page 691, line 6: after that line insert:

20 “**SECTION 1335g.** 49.19 (1)s (d) of the statutes is repealed.”.

21 **486.** Page 703, line 12: after that line insert:

22 “**SECTION 1355w.** 49.30 (1) (b) of the statutes is amended to read:

1 49.30 (1) (b) The lesser of \$1,000 \$1,500 or the funeral and burial expenses not
2 paid by the estate of the deceased and other persons.”.

3 **SECTION 1355wb.** 49.30 (1) (b) of the statutes, as affected by 1999 Wisconsin
4 Act (this act), is amended to read:

5 49.30 (1) (b) The lesser of \$1,500 \$2,500 or the funeral and burial expenses not
6 paid by the estate of the deceased and other persons.”.

7 **487.** Page 703, line 18: delete the material beginning with that line and
8 ending with page 704, line 5.

9 **488.** Page 706, line 3: delete lines 3 to 9.

10 **489.** Page 717, line 2: after that line insert:

11 “**SECTION 1419r.** 49.45 (18) (b) 5. of the statutes is amended to read:

12 49.45 (18) (b) 5. Family planning services, ~~as defined in s. 253.07 (1) (b).~~”.

13 **490.** Page 717, line 3: delete lines 3 to 15.

14 **491.** Page 717, line 21: after that line insert:

15 “**SECTION 1426d.** 49.45 (24r) of the statutes is amended to read:

16 49.45 (24r) FAMILY PLANNING DEMONSTRATION PROJECT. The department shall
17 request a waiver from the secretary of the federal department of health and human
18 services to permit the department to conduct a demonstration project to provide
19 family planning services, ~~as defined in s. 253.07 (1) (b),~~ under medical assistance to
20 any woman between the ages of 15 and 44 whose family income does not exceed 185%
21 of the poverty line for a family the size of the woman’s family. If the waiver is granted
22 and in effect, the department shall implement the waiver no later than July 1, 1998,
23 or on the effective date of the waiver, whichever is later.”.

1 **492.** Page 717, line 24: delete the material beginning with “School for” and
2 ending with “Handicapped” on line 25 and substitute “Center for the Blind and
3 Visually Impaired”.

4 **493.** Page 718, line 9: delete that line and substitute “behalf of the Wisconsin
5 Center for the Blind and Visually Impaired and the Wisconsin”.

6 **494.** Page 718, line 14: delete that line and substitute “pars. (b) and (c) to the
7 Wisconsin Center for the Blind and Visually Impaired and the”.

8 **495.** Page 718, line 16: after “is” insert “renumbered 49.45 (39) (b) 1. and”.

9 **496.** Page 718, line 17: delete “*Payment for school medical services.*” and
10 substitute “1. ‘Payment for school medical services.’”.

11 **497.** Page 718, line 21: after “and” insert “, as specified in subd. 2.,”.

12 **498.** Page 718, line 22: delete that line and substitute “administrative costs.
13 If the Wisconsin Center for the Blind and Visually Impaired or the”.

14 **499.** Page 719, line 1: delete that line and substitute “medical services that
15 the Wisconsin Center for the Blind and Visually Impaired or the”.

16 **500.** Page 719, line 2: delete “for allowable administrative costs.” and
17 substitute “, as specified in subd. 2., for allowable administrative costs. A school
18 district, cooperative educational service agency, the Wisconsin School for the
19 Visually Handicapped or the Wisconsin School for the Deaf may submit, and the
20 department shall allow, claims for common carrier transportation costs as a school
21 medical service unless the department receives notice from the federal health care
22 financing administration that, under a change in federal policy, the claims are not
23 allowed. If the department receives the notice, a school district, cooperative

1 educational service agency, the Wisconsin School for the Visually Handicapped or the
2 Wisconsin School for the Deaf may submit, and the department shall allow,
3 unreimbursed claims for common carrier transportation costs incurred before the
4 date of the change in federal policy.”.

5 **501.** Page 719, line 8: delete “School for the Visually Handicapped” and
6 substitute “Center for the Blind and Visually Impaired”.

7 **502.** Page 719, line 11: after that line insert:

8 “**SECTION 1427j.** 49.45 (39) (b) 2. of the statutes is created to read:

9 49.45 **(39)** (b) 2. ‘Payment for school medical services administrative costs.’ The
10 department shall reimburse a school district or a cooperative educational service
11 agency specified under subd. 1., the Wisconsin School for the Visually Handicapped
12 or the Wisconsin School for the Deaf for 90% of the federal share of allowable
13 administrative costs, on a quarterly basis, using time studies, beginning in the first
14 quarter of fiscal year 1999–2000. A school district or a cooperative education service
15 agency may submit, and the department shall allow, claims for administrative costs
16 incurred during the period that is up to 24 months before the date of the claim, if
17 allowable under federal law.”.

18 **503.** Page 722, line 20: after that line insert:

19 “**SECTION 1433x.** 49.46 (1) (a) 16. of the statutes is amended to read:

20 49.46 **(1)** (a) 16. Any child person who is living with a relative who is eligible
21 to receive payments under s. 48.57 (3m) ~~or~~ (3n) or (3o) with respect to that child
22 person, if the department determines that no other insurance is available to the child
23 person.”.

24 **504.** Page 722, line 25: delete “17.”.

1 **505.** Page 723, line 1: after “department” insert “may provide coverage for the
2 services specified under sub. (2) (a) and (b) 1. to 16., and”.

3 **506.** Page 723, line 2: delete “17.” and substitute “17.,”.

4 **507.** Page 723, line 3: after that line insert:

5 “**SECTION 1434p.** 49.46 (2) (a) 4. f. of the statutes is amended to read:
6 49.46 **(2)** (a) 4. f. Services and supplies for family planning, ~~as defined in s.~~
7 ~~253.07 (1) (a).~~”.

8 **508.** Page 723, line 4: delete lines 4 to 8.

9 **509.** Page 723, line 20: after that line insert:

10 “**SECTION 1437g.** 49.46 (2) (be) of the statutes is amended to read:
11 49.46 **(2)** (be) Benefits for an individual eligible under sub. (1) (a) 9. are limited
12 to those services under par. (a) or (b) that are related to pregnancy, including
13 postpartum services and family planning services, ~~as defined in s. 253.07 (1) (b), or~~
14 related to other conditions which may complicate pregnancy.”.

15 **510.** Page 724, line 5: after that line insert:

16 “**SECTION 1439g.** 49.47 (6) (a) 7. of the statutes is amended to read:
17 49.47 **(6)** (a) 7. Beneficiaries eligible under sub. (4) (a) 2. or (am) 1., for services
18 under s. 49.46 (2) (a) and (b) that are related to pregnancy, including postpartum
19 services and family planning services, ~~as defined in s. 253.07 (1) (b), or related to~~
20 other conditions which may complicate pregnancy.”.

21 **511.** Page 724, line 5: after that line insert:

22 “**SECTION 1439m.** 49.47 (4) (cm) 3. of the statutes is created to read:

1 49.47 (4) (cm) 3. An individual who is otherwise eligible under this subsection
2 and who has set aside funds in an irrevocable burial trust under s. 445.125 (1) (a) 2.
3 shall, as a condition of eligibility for medical assistance, specify the state as a
4 secondary beneficiary of the trust with respect to all funds in the trust that exceed
5 the burial costs but do not exceed the amount of medical assistance paid on behalf
6 of the individual.”.

7 **512.** Page 731, line 14: delete the material beginning with that line and
8 ending with page 732, line 3.

9 **513.** Page 734, line 6: delete lines 6 to 9 and substitute “time period restriction
10 by rule.”.

11 **514.** Page 739, line 23: after that line insert:

12 “**SECTION 1488d.** 49.857 (1) (d) 3. of the statutes is amended to read:
13 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).”.

14 **515.** Page 741, line 4: after that line insert:

15 “**SECTION 1491m.** 49.96 of the statutes, as affected by 1997 Wisconsin Act 105,
16 section 27g, is amended to read:

17 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
18 dependent children, payments made under ss. 48.57 (3m) ~~or~~ (3n) or (3o), 49.148 (1)
19 (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash
20 benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal
21 Title XVI, are exempt from every tax, and from execution, garnishment, attachment
22 and every other process and shall be inalienable.”.

23 **516.** Page 742, line 12: after that line insert:

1 “(d) For performance of a financial screen, the person, if seeking admission or
2 about to be admitted on a private pay basis, waives the requirement under s. 46.283
3 (4) (g), unless the person will be eligible for medical assistance within 6 months after
4 performance of the financial screen.”.

5 **517.** Page 743, line 11: after that line insert:

6 “(d) For performance of a financial screen, the person, if seeking admission or
7 about to be admitted on a private pay basis, waives the requirement under s. 46.283
8 (4) (g), unless the person will be eligible for medical assistance within 6 months after
9 performance of the financial screen.”.

10 **518.** Page 745, line 25: after that line insert:

11 “(d) For performance of a financial screen, the person, if seeking admission or
12 about to be admitted on a private pay basis, waives the requirement under s. 46.283
13 (4) (g), unless the person will be eligible for medical assistance within 6 months after
14 performance of the financial screen.”.

15 **519.** Page 748, line 18: after that line insert:

16 “4. For performance of a financial screen, the person, if seeking admission or
17 about to be admitted on a private pay basis, waives the requirement under s. 46.283
18 (4) (g), unless the person will ybe eligible for medical assistance within 6 months
19 after performance of the financial screen.”.

20 **520.** Page 749, line 17: after “(1)” insert “. For performance of a financial
21 screen, the individual who consents, if seeking admission for the individual or if the
22 individual is about to be admitted on a private pay basis, may waive the requirement
23 under s. 46.283 (4) (g), unless the person will be eligible for medical assistance within
24 6 months after performance of the financial screen”.

1 **521.** Page 749, line 17: after that line insert:

2 “**SECTION 1521b.** 50.065 (1) (ag) of the statutes is created to read:

3 50.065 (1) (ag) 1. “Caregiver” means any of the following:

4 a. A person who is, or is expected to be, an employe or contractor of an entity
5 and who has, or is expected to have, direct, regular contact with clients of the entity.

6 b. A person who has, or is seeking, a license, certification, registration, or
7 certificate of approval issued or granted by the department to operate an entity.

8 c. A person who is, or is expected to be, an employe of the board on aging and
9 long-term care and who has, or is expected to have, regular, direct contact with
10 clients.

11 2. “Caregiver” does not include a person who is certified as an emergency
12 medical technician under s. 146.50 if the person is employed, or seeking employment,
13 at the entity as an emergency medical technician.

14 **SECTION 1521c.** 50.065 (1) (bm) of the statutes is created to read:

15 50.065 (1) (bm) “Contractor” means, with respect to an entity, a person, or that
16 person’s agent, who provides services to the entity under an express or implied
17 contract or subcontract, including a person who has staff privileges at the entity.

18 **SECTION 1521d.** 50.065 (1) (c) (intro.) of the statutes is amended to read:

19 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is
20 licensed or certified by or registered with the department to provide direct care or
21 treatment services to clients. “Entity” includes a hospital, a personal care worker
22 agency ~~and~~, a supportive home care service agency, a temporary employment agency
23 that provides caregivers to another entity and the board on aging and long-term
24 care. “Entity” does not include any of the following:

1 **SECTION 1521e.** 50.065 (1) (cn) of the statutes is created to read:

2 50.065 (1) (cn) “Nonclient resident” means a person who resides, or is expected
3 to reside, at an entity, who is not a client of the entity and who has, or is expected to
4 have, direct, regular contact with clients of the entity.

5 **SECTION 1521f.** 50.065 (1) (e) of the statutes is repealed and recreated to read:

6 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
7 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
8 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 and 948.03 (2) (a), or a violation of
9 the law of any other state or United States jurisdiction that would be a violation of
10 s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or
11 (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 and 948.03
12 (2) (a) if committed in this state.

13 2. For the purposes of an entity that serves persons under the age of 18, “serious
14 crime” includes a violation of s. 948.02 (2), 948.03 (2) (b) and (c), 948.05, 948.055,
15 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
16 a violation of the law of any other state or United States jurisdiction that would be
17 a violation of s. 948.02 (2), 948.03 (2) (b) and (c), 948.05, 948.055, 948.06, 948.07,
18 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this
19 state.

20 **SECTION 1521g.** 50.065 (2) (a) (intro.) of the statutes is renumbered 50.065 (4m)
21 (a) (intro.).

22 **SECTION 1521h.** 50.065 (2) (a) 1. of the statutes is renumbered 50.065 (4m) (a)
23 1.

24 **SECTION 1521i.** 50.065 (2) (a) 2. of the statutes is repealed.

1 **SECTION 1521j.** 50.065 (2) (a) 3. of the statutes is renumbered 50.065 (4m) (a)

2 3.

3 **SECTION 1521k.** 50.065 (2) (a) 4. of the statutes is renumbered 50.065 (4m) (a)

4 4.

5 **SECTION 1521L.** 50.065 (2) (a) 5. of the statutes is renumbered 50.065 (4m) (a)

6 5.

7 **SECTION 1521m.** 50.065 (2) (ag) (intro.) of the statutes is renumbered 50.065
8 (4m) (b) (intro.) and amended to read:

9 50.065 (**4m**) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
10 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
11 ~~entity's control, as defined by the department by rule, and who is expected to have~~
12 ~~access to its clients, caregiver or permit to reside at the entity a person who is not a~~
13 ~~client and who is expected to have access to a client~~ nonclient resident, if the entity
14 knows or should have known any of the following:

15 **SECTION 1521n.** 50.065 (2) (ag) 1. of the statutes is renumbered 50.065 (4m)
16 (b) 1.

17 **SECTION 1521p.** 50.065 (2) (ag) 2. of the statutes is repealed.

18 **SECTION 1521q.** 50.065 (2) (ag) 3. of the statutes is renumbered 50.065 (4m) (b)
19 3.

20 **SECTION 1521r.** 50.065 (2) (ag) 4. of the statutes is renumbered 50.065 (4m) (b)
21 4.

22 **SECTION 1521s.** 50.065 (2) (ag) 5. of the statutes is renumbered 50.065 (4m) (b)
23 5.

24 **SECTION 1521t.** 50.065 (2) (am) (intro.) of the statutes is amended to read:

1 50.065 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd),~~ the The department
2 shall obtain all of the following with respect to a person specified under ~~par. (a)~~
3 ~~(intro.) sub. (1) (ag) 1. b.~~ and a person specified under ~~par. (ag) (intro.)~~ who is a
4 nonclient resident or prospective nonclient resident of an entity:

5 **SECTION 1521u.** 50.065 (2) (am) 5. of the statutes is amended to read:

6 50.065 (2) (am) 5. Information maintained by the department under this
7 section regarding any denial to the person of a license, certification, certificate of
8 approval or registration or of a continuation of a license, certification, certificate of
9 approval or registration to operate an entity for a reason specified in ~~par. sub. (4m)~~
10 (a) 1. to 5. and regarding any denial to the person of employment at, a contract with
11 or permission to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b) 1.~~
12 to 5. If the information obtained under this subdivision indicates that the person has
13 been denied a license, certification, certificate of approval or registration,
14 continuation of a license, certification, certificate of approval or registration, a
15 contract, employment or permission to reside as described in this subdivision, the
16 department need not obtain the information specified in subds. 1. to 4.

17 **SECTION 1521v.** 50.065 (2) (b) 1. of the statutes is renumbered 50.065 (2) (b),
18 and 50.065 (2) (b) (intro.) and 5., as renumbered, are amended to read:

19 50.065 (2) (b) (intro.) ~~Subject to subds. 1. e. and 2. and par. (bd),~~ every Every
20 entity shall obtain all of the following with respect to a ~~person specified under par.~~
21 ~~(ag) (intro.)~~ who is an employe or contractor or a prospective employe or contractor
22 caregiver of the entity:

23 5. Information maintained by the department under this section regarding any
24 denial to the person of a license, certification, certificate of approval or registration
25 or of a continuation of a license, certification, certificate of approval or registration

1 to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and regarding
2 any denial to the person of employment at, a contract with or permission to reside
3 at an entity for a reason specified in ~~par. (ag) sub. (4m) (b)~~ 1. to 5. If the information
4 obtained under this ~~subd. 1. e. subdivision~~ indicates that the person has been denied
5 a license, certification, certificate of approval or registration, continuation of a
6 license, certification, certificate of approval or registration, a contract, employment
7 or permission to reside as described in this ~~subd. 1. e. subdivision~~, the entity need
8 not obtain the information specified in ~~subd. subs. 1. a. to d. to 4.~~

9 **SECTION 1521w.** 50.065 (2) (b) 2. of the statutes is repealed.

10 **SECTION 1521x.** 50.065 (2) (bb) of the statutes is created to read:

11 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
12 of a crime or violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 or
13 947.013 without a recorded disposition, the department or entity shall make every
14 reasonable effort to determine the disposition of the charge.

15 **SECTION 1521y.** 50.065 (2) (bd) of the statutes is amended to read:

16 50.065 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department is not
17 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
18 required to obtain the information specified in par. (b) 1. ~~a. to e. to 5.~~, with respect
19 to a person under 18 years of age whose background information form under sub. (6)
20 (am) indicates that the person is not ineligible to be employed, contracted with or
21 permitted to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b)~~ 1. to
22 5. and with respect to whom the department or entity otherwise has no reason to
23 believe that the person is ineligible to be employed, contracted with or permitted to
24 reside at an entity for any of those reasons. This paragraph does not preclude the
25 department from obtaining, at its discretion, the information specified in par. (am)

1 1. to 5. with respect to a person described in this paragraph who is a nonclient
2 resident or a prospective nonclient resident of an entity.

3 **SECTION 1521z.** 50.065 (2) (bg) of the statutes is amended to read:

4 50.065 (2) (bg) If an entity takes an action specified in par. (ag) (intro.) with
5 respect to an employe, prospective employe, contractor or prospective contractor
6 hires or contracts with a caregiver for whom, within the last 4 years, the information
7 required under par. (b) 1. a. to e. 3. and e. 5. has already been obtained, either by
8 another entity or by a temporary employment agency, the entity may obtain the that
9 information required under par. (b) 1. a. to e. and e. from that other entity or
10 temporary employment agency, which shall provide the information, if possible, to
11 the requesting entity. If an entity cannot obtain the information required under par.
12 (b) 1. a. to e. 3. and e. 5. from another entity or from a temporary employment agency
13 or if an entity has reasonable grounds to believe that any information obtained from
14 another entity or from a temporary employment agency is no longer accurate, the
15 entity shall obtain that information from the sources specified in par. (b) 1. a. to 3.
16 and e. 5.

17 **SECTION 1521zb.** 50.065 (2) (bm) of the statutes is amended to read:

18 50.065 (2) (bm) If the person who is the subject of the search under par. (am)
19 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
20 the date of the search that person has not been a resident of this state, the
21 department or entity shall make a good faith effort to obtain from any state or other
22 United States jurisdiction in which the person is a resident or was a resident within
23 the 3 years preceding the date of the search information that is equivalent to the
24 information specified in par. (am) 1. or (b) 1. a.

1 **SECTION 1521zc.** 50.065 (2) (c) of the statutes is renumbered 50.065 (4m) (c)
2 and amended to read:

3 50.065 **(4m)** (c) If the background information form completed by a person
4 under sub. (6) (am) indicates that the person is not ineligible to be employed or
5 contracted with for a reason specified in par. ~~(ag)~~ (b) 1. to 5., an entity may employ
6 or contract with the person for not more than 60 days pending the receipt of the
7 information sought under ~~par. sub. (2)~~ (b) 1. If the background information form
8 completed by a person under sub. (6) (am) indicates that the person is not ineligible
9 to be permitted to reside at an entity for a reason specified in par. ~~(ag)~~ (b) 1. to 5. and
10 if an entity otherwise has no reason to believe that the person is ineligible to be
11 permitted to reside at an entity for any of those reasons, the entity may permit the
12 person to reside at the entity for not more than 60 days pending receipt of the
13 information sought under ~~par. sub. (2)~~ (am). An entity shall provide supervision for
14 a person who is employed or contracted with or permitted to reside as permitted
15 under this paragraph.

16 **SECTION 1521zd.** 50.065 (2) (d) of the statutes is created to read:

17 50.065 **(2)** (d) Every entity shall maintain, or shall contract with another
18 person to maintain, the most recent background information obtained on a caregiver
19 under par. (b). The information shall be made available for inspection by authorized
20 persons, as defined by the department by rule.

21 **SECTION 1521ze.** 50.065 (3) (a) of the statutes is amended to read:

22 50.065 **(3)** (a) Every 4 years or at any time within that period that the
23 department considers appropriate, the department shall request the information
24 specified in sub. (2) (am) 1. to ~~4.~~ 5. for all persons who are licensed to operate an entity

1 and for all persons ~~specified in par. (ag) (intro.)~~ who are nonclient residents of an
2 entity.

3 **SECTION 1521zf.** 50.065 (3) (b) of the statutes is amended to read:

4 50.065 (3) (b) Every 4 years or at any other time within that period that an
5 entity considers appropriate, the entity shall request the information specified in
6 sub. (2) (b) 1. a. to d. 5. for all persons ~~specified in sub. (2) (ag) (intro.)~~ who are
7 ~~employees or contractors~~ caregivers of the entity.

8 **SECTION 1521zg.** 50.065 (3m) of the statutes is amended to read:

9 50.065 (3m) Notwithstanding subs. (2) (b) ~~1.~~ and (3) (b), if the department
10 obtains the information required under sub. (2) (am) or (3) (a) with respect to a person
11 ~~specified in sub. (2) (a) (intro.)~~ who is a caregiver specified under sub. (1) (ag) 1. b.
12 and that person is also an employe, contractor or nonclient resident of the entity, the
13 entity is not required to obtain the information specified in sub. (2) (b) ~~1.~~ or (3) (b)
14 with respect to that person.

15 **SECTION 1521zh.** 50.065 (4) of the statutes is amended to read:

16 50.065 (4) An entity that violates sub. (2) ~~or~~ (3) or (4m) (b) may be required to
17 forfeit not more than \$1,000 and may be subject to other sanctions specified by the
18 department by rule.

19 **SECTION 1521zi.** 50.065 (4m) (b) (intro.) of the statutes, as affected by 1999
20 Wisconsin Act (this act), is amended to read:

21 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
22 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit to reside
23 at the entity a nonclient resident, if the entity knows or should have known any of
24 the following:

25 **SECTION 1521zj.** 50.065 (5) (intro.) of the statutes is amended to read:

1 50.065 (5) (intro.) The department may license, certify, issue a certificate of
2 approval to or register to operate an entity a person who otherwise may not be
3 licensed, certified, issued a certificate of approval or registered for a reason specified
4 in sub. ~~(2)~~ (4m) (a) 1. to 5. , and an entity may employ, contract with or permit to reside
5 at the entity a person who otherwise may not be employed, contracted with or
6 permitted to reside at the entity for a reason specified in sub. ~~(2)~~ (ag) (4m) (b) 1. to
7 5., if the person demonstrates to the department, or, in the case of an entity that is
8 located within the boundaries of a federally recognized American Indian reservation,
9 to the tribal governing body of that reservation, by clear and convincing evidence and
10 in accordance with procedures established by the department by rule, or by the tribal
11 governing body, that he or she has been rehabilitated. No person who has been
12 convicted of any of the following offenses may be permitted to demonstrate that he
13 or she has been rehabilitated until the later of at least 5 years after the date of the
14 conviction or adjudication for that offense or at least 5 years after the date of the
15 person's release from imprisonment, a secured juvenile facility or a commitment
16 order for that offense:

17 **SECTION 1521zk.** 50.065 (5) (a), (d) and (e) of the statutes are repealed.

18 **SECTION 1521zL.** 50.065 (5d) of the statutes is created to read:

19 50.065 (5d) (a) Any tribal governing body that chooses to conduct
20 rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation
21 review plan that includes all of the following:

- 22 1. The criteria to be used to determine if a person has been rehabilitated.
- 23 2. The title of the person or body designated by the tribe to whom a request for
24 review must be made.

1 3. The title of the person or body designated by the tribe to determine whether
2 a person has been rehabilitated.

3 4. The manner in which the tribe will submit information relating to a
4 rehabilitation review to the department so that the department may include that
5 information in its report to the legislature required under sub. (5g).

6 5. A copy of the form to be used to request a review and a copy of the form on
7 which a written decision is to be made regarding whether a person has demonstrated
8 rehabilitation.

9 (b) The department shall approve or disapprove the plan under par. (a) within
10 90 days after receiving the plan. If the department disapproves the plan, the tribe
11 may, within 30 days after receiving notice of the disapproval, request that the
12 secretary review the department's decision.

13 **SECTION 1521zm.** 50.065 (5m) of the statutes is amended to read:

14 50.065 **(5m)** Notwithstanding s. 111.335, the department may refuse to license,
15 certify or register, or issue a certificate of approval to, a ~~person to operate an entity,~~
16 caregiver and an entity may refuse to employ, or contract with a caregiver or to
17 permit a nonclient resident to reside at the entity ~~a person specified in sub. (2) (ag)~~
18 ~~(intro.)~~, if the ~~person~~ caregiver or nonclient resident has been convicted of an offense
19 that ~~the department has not defined as a "serious crime" by rule promulgated under~~
20 ~~sub. (7) (a), or specified in the list established by rule under sub. (7) (b)~~ is not a serious
21 crime, but that is, in the estimation of the department or entity, substantially related
22 to the care of a client.

23 **SECTION 1521zn.** 50.065 (6) (am) (intro.) of the statutes is renumbered 50.065
24 (6) (am) and amended to read:

1 50.065 (6) (am) Every 4 years an entity shall require ~~all of the following persons~~
2 its caregivers and nonclient residents to complete a background information form
3 that is provided to the entity by the department.

4 **SECTION 1521zp.** 50.065 (6) (am) 1. and 2. of the statutes are repealed.

5 **SECTION 1521zq.** 50.065 (6) (b) of the statutes is amended to read:

6 50.065 (6) (b) For ~~persons specified under par. (a)~~ caregivers who are licensed,
7 issued a certificate of approval or certified by, or registered with, the department, for
8 ~~person specified in par. (am) 2.~~ nonclient residents, and for other persons specified
9 by the department by rule, the entity shall send the background information form
10 to the department. ~~For persons specified under par. (am) 1., the entity shall maintain~~
11 ~~the background information form on file for inspection by the department.~~

12 **SECTION 1521zr.** 50.065 (7) (a) and (b) of the statutes are repealed.”.

13 **522.** Page 749, line 17: after that line insert:

14 “**SECTION 1515m.** 50.065 (1) (c) 2. of the statutes is amended to read:

15 50.065 (1) (c) 2. Kinship care ~~under s. 48.57 (3m)~~ or long-term kinship care
16 under s. 48.57 (3m), (3n) or (3o).”.

17 **523.** Page 749, line 21: delete “1.”.

18 **524.** Page 749, line 24: after that line insert:

19 “**SECTION 1522w.** 50.135 (1) of the statutes is amended to read:

20 50.135 (1) DEFINITION. In this section, “inpatient health care facility” means
21 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
22 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,
23 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
24 does not include community-based residential facilities.”.

1 **525.** Page 751, line 16: after that line insert:

2 “**SECTION 1526g.** 50.39 (2) of the statutes is amended to read:

3 50.39 (2) The use of the title “hospital” to represent or identify any facility
4 which does not meet the definition of a “hospital” as provided herein or is not subject
5 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
6 by ss. s. 51.09 and ~~252.073~~ are exempt.

7 **SECTION 1526h.** 50.39 (3) of the statutes is amended to read:

8 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
9 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.
10 938.02 (15m), correctional institutions governed by the department of corrections
11 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
12 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
13 not abridge the rights of the medical examining board, physical therapists affiliated
14 credentialing board, podiatrists affiliated credentialing board, dentistry examining
15 board, pharmacy examining board, chiropractic examining board and board of
16 nursing in carrying out their statutory duties and responsibilities.”.

17 **526.** Page 752, line 10: after that line insert:

18 “**SECTION 1532d.** 51.01 (14k) of the statutes is created to read:

19 51.01 (14k) “Secured child caring institution” has the meaning given in s.
20 938.02 (15g).

21 **SECTION 1533d.** 51.01 (14m) of the statutes is created to read:

22 51.01 (14m) “Secured correctional facility” has the meaning given in s. 938.02
23 (15m).

24 **SECTION 1534d.** 51.01 (14p) of the statutes is created to read:

1 51.01 (14p) “Secured group home” has the meaning given in s. 938.02 (15p).”.

2 **527.** Page 755, line 8: after that line insert:

3 “**SECTION 1539d.** 51.05 (2) of the statutes is amended to read:

4 51.05 (2) The department may not accept for admission to a mental health
5 institute any resident person, except in an emergency, unless the county department
6 under s. 51.42 in the county where the person has legal residency authorizes the care,
7 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
8 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
9 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
10 juvenile secured correctional facility or a secured child caring institution, as defined
11 in s. 938.02 (15g), or a secured group home to a state treatment facility under s. 51.35
12 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not
13 subject to this section.”.

14 **528.** Page 756, line 1: after that line insert:

15 “**SECTION 1555d.** 51.35 (3) (title) of the statutes is amended to read:

16 51.35 (3) (title) TRANSFER OF CERTAIN JUVENILES FROM JUVENILE-CORRECTIONAL
17 SECURED JUVENILE FACILITIES AND-SECURED-CHILD-CARING-INSTITUTIONS.

18 **SECTION 1556d.** 51.35 (3) (a) of the statutes is amended to read:

19 51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility
20 or a secured child caring institution, as defined in s. 938.02 (15g), or a licensed
21 physician of the department of corrections, who has reason to believe that any
22 individual confined in the ~~facility or institution~~ secured correctional facility, secured
23 child caring institution or secured group home is, in his or her opinion, in need of
24 services for developmental disability, alcoholism or drug dependency or in need of

1 psychiatric services, and who has obtained voluntary consent to make a transfer for
2 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~
3 ~~institution~~ secured correctional facility, secured child caring institution or secured
4 group home, stating the nature and basis of the belief and verifying the consent. In
5 the case of a minor age 14 and over, the minor and the minor's parent or guardian
6 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
7 a minor under the age of 14, only the minor's parent or guardian need consent. The
8 superintendent shall inform, orally and in writing, the minor and the minor's parent
9 or guardian, that transfer is being considered and shall inform them of the basis for
10 the request and their rights as provided in s. 51.13 (3). If the department of
11 corrections, upon review of a request for transfer, determines that transfer is
12 appropriate, that department shall immediately notify the department of health and
13 family services and, if the department of health and family services consents, the
14 department of corrections may immediately transfer the individual. The
15 department of ~~corrections~~ health and family services shall file a petition under s.
16 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the
17 county where the treatment facility is located.

18 **SECTION 1557d.** 51.35 (3) (c) of the statutes is amended to read:

19 51.35 (3) (c) A licensed psychologist of a ~~juvenile~~ secured correctional facility
20 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
21 physician of the department of corrections, who has reason to believe that any
22 individual confined in the ~~facility or institution~~ secured correctional facility, secured
23 child caring institution or secured group home, in his or her opinion, is mentally ill,
24 drug dependent or developmentally disabled and is dangerous as described in s.
25 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard

1 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45
2 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~
3 ~~institution~~ secured correctional facility, secured child caring institution or secured
4 group home, stating the nature and basis of the belief. If the superintendent, upon
5 review of the allegations in the report, determines that transfer is appropriate, he
6 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
7 exercise jurisdiction under chs. 48 and 938 of the county where the secured
8 correctional facility or, secured child caring institution or secured group home is
9 located. The court shall hold a hearing according to procedures provided in s. 51.20
10 or 51.45 (13).

11 **SECTION 1558d.** 51.35 (3) (c) of the statutes, as affected by 1995 Wisconsin Act
12 292, section 28, and 1999 Wisconsin Act (this act), is repealed and recreated to
13 read:

14 51.35 (3) (c) A licensed psychologist of a secured correctional facility or a
15 secured child caring institution or a licensed physician of the department of
16 corrections, who has reason to believe that any individual confined in the secured
17 correctional facility, secured child caring institution or secured group home, in his
18 or her opinion, is mentally ill, drug dependent or developmentally disabled and is
19 dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as
20 described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the
21 superintendent of the secured correctional facility, secured child caring institution
22 or secured group home, stating the nature and basis of the belief. If the
23 superintendent, upon review of the allegations in the report, determines that
24 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45
25 in the court assigned to exercise jurisdiction under ch. 48 of the county where the

1 secured correctional facility, secured child caring institution or secured group home
2 is located. The court shall hold a hearing according to procedures provided in s. 51.20
3 or 51.45 (13).

4 **SECTION 1559d.** 51.35 (3) (e) of the statutes is amended to read:

5 51.35 (3) (e) The department of corrections may authorize emergency transfer
6 of an individual from a juvenile secured correctional facility ~~or~~, a secured child caring
7 institution, ~~as defined in s. 938.02 (15g), or a secured group home~~ to a state treatment
8 facility if there is cause to believe that the individual is mentally ill, drug dependent
9 or developmentally disabled and exhibits conduct which constitutes a danger as
10 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
11 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
12 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
13 of the sending ~~facility or institution~~ secured correctional facility, secured child caring
14 institution or secured group home shall execute a statement of emergency detention
15 or petition for emergency commitment for the individual and deliver it to the
16 receiving state treatment facility. The department of health and family services
17 shall file the statement or petition with the court within 24 hours after the subject
18 individual is received for detention or commitment. The statement or petition shall
19 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,
20 the director of the receiving facility may file a petition for continued commitment
21 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~
22 ~~institution~~ secured correctional facility, secured child caring institution or secured
23 group home from which the transfer was made. As an alternative to this procedure,
24 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no ~~prisoner~~
25 individual may be released without the approval of the court which directed

1 confinement in the secured correctional facility ~~or~~, secured child caring institution
2 or secured group home.

3 **SECTION 1560d.** 51.35 (3) (e) of the statutes, as affected by 1995 Wisconsin Act
4 292, section 28, and 1999 Wisconsin Act (this act), is repealed and recreated to
5 read:

6 51.35 (3) (e) The department of corrections may authorize emergency transfer
7 of an individual from a secured correctional facility, a secured child caring institution
8 or a secured group home to a state treatment facility if there is cause to believe that
9 the individual is mentally ill, drug dependent or developmentally disabled and
10 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to
11 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45
12 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured
13 child caring institution or secured group home shall execute a statement of
14 emergency detention or petition for emergency commitment for the individual and
15 deliver it to the receiving state treatment facility. The department of health and
16 family services shall file the statement or petition with the court within 24 hours
17 after the subject individual is received for detention or commitment. The statement
18 or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
19 transfer is made, the director of the receiving facility may file a petition for continued
20 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the
21 secured correctional facility, secured child caring institution or secured group home
22 from which the transfer was made. As an alternative to this procedure, the
23 procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual
24 may be released without the approval of the court which directed confinement in the
25 secured correctional facility, secured child caring institution or secured group home.

1 **SECTION 1561d.** 51.35 (3) (g) of the statutes is amended to read:

2 51.35 **(3)** (g) A minor 14 years of age or older who is transferred to a treatment
3 facility under par. (a) may request in writing a return to the juvenile secured
4 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)
5 or secured group home. In the case of a minor under 14 years of age, the parent or
6 guardian may make the request. Upon receipt of a request for return from a minor
7 14 years of age or over, the director shall immediately notify the minor's parent or
8 guardian. The minor shall be returned to the juvenile secured correctional facility
9 or, secured child caring institution or secured group home within 48 hours after
10 submission of the request unless a petition or statement is filed for emergency
11 detention, emergency commitment, involuntary commitment or protective
12 placement.”.

13 **529.** Page 757, line 11: delete the material beginning with “, 253.07” and
14 ending with “(c)” on line 12 and substitute “, ~~253.07 (3) (c)~~”.

15 **530.** Page 759, line 3: delete “, 253.07 (3) (c)” and substitute “, ~~253.07 (3) (c)~~”.

16 **531.** Page 759, line 14: after that line insert:

17 “**SECTION 1575m.** 59.08 (7) (b) of the statutes is amended to read:

18 59.08 **(7)** (b) The question of the consolidation of the counties shall be submitted
19 to the voters at the next election authorized under s. 8.065 (2) or an election
20 authorized under 8.065 (3) to be held on the first Tuesday in April, or the next regular
21 election, or at a special election to be held on a date specified in the order which shall
22 be no sooner than 45 days after the day fixed in date of the order issued under par.
23 (a), which day date shall be the same in each of the counties proposing to consolidate.
24 A copy of the order shall be filed with the county clerk of each of the counties. ~~If the~~

1 ~~question of consolidation is submitted at a special election, it shall be held not less~~
2 ~~than 30 days nor more than 60 days from the completion of the consolidation~~
3 ~~agreement, but not within 60 days of any spring or general election.”.~~

4 **532.** Page 759, line 14: after that line insert:

5 “SECTION 1573g. 51.48 of the statutes is created to read:

6 **51.48 Alcohol and other drug testing of minors.** A minor’s parent or
7 guardian may consent to have the minor tested for the presence of alcohol or other
8 drugs in the minor’s body. Consent of the minor is not required under this section.”.

9 **533.** Page 759, line 14: after that line insert:

10 “SECTION 1572m. 58.06 of the statutes is repealed.”.

11 **534.** Page 761, line 21: after that line insert:

12 “SECTION 1577p. 59.52 (29) (a) of the statutes is renumbered 59.52 (29) (am)
13 and amended to read:

14 59.52 (29) (am) All Except as provided in par. (c) 2., all public work, including
15 any contract for the construction, repair, remodeling or improvement of any public
16 work, building, or furnishing of supplies or material of any kind where the estimated
17 cost of such work will exceed \$20,000 \$30,000 shall be let by contract to the lowest
18 responsible bidder. Any public work, the estimated cost of which does not exceed
19 \$20,000 \$30,000, shall be let as the board may direct. If the estimated cost of any
20 public work is between \$5,000 and \$20,000 \$30,000, the board shall give a class 1
21 notice under ch. 985 before it contracts for the work or shall contract with a person
22 qualified as a bidder under s. 66.29 (2). A contract, the estimated cost of which
23 exceeds \$20,000 \$30,000, shall be let and entered into under s. 66.29, except that the
24 board may by a three-fourths vote of all the members entitled to a seat provide that

1 any class of public work or any part thereof may be done directly by the county
2 without submitting the same for bids. This subsection does not apply to highway
3 contracts which the county highway committee or the county highway commissioner
4 is authorized by law to let or make.

5 **SECTION 1577q.** 59.52 (29) (c) to (e) of the statutes are created to read:

6 59.52 (29) (c) 1. In this paragraph, “design–build construction process” means
7 a procurement process under which the engineering, design and construction
8 services are provided by a single entity.

9 2. Any public works contract described in par. (a), the estimated cost of which
10 exceeds \$500,000, may be let using the design–build construction process.

11 (d) If a county wishes to construct a public work using the design–build
12 construction process, the county shall use a selection process that contains the
13 following procedures:

14 1. The county shall issue a request for proposals from design–build teams by
15 publishing a class 1 notice under ch. 985. The notice shall include a project statement
16 that describes the space needs and design goals for the project, detailed submission
17 requirements, selection procedures, site information, an outline of specifications for
18 the project, a budget for the project, a project schedule, the composition of the
19 selection panel and the approximate amount of the bond that the county will require
20 under par. (e).

21 2. Following receipt of the proposals, the county shall select 5 or less
22 design–build teams to participate in the final stage of the selection process. The
23 selection of teams under this subdivision shall be based on factors that include the
24 background, experience and qualifications of the members of the teams; the financial
25 strength and surety capacity of the teams; the quality of the initial proposal; and the

1 past performance and current workload of the teams. The county selection panel
2 that selects the teams under this subdivision for the final selection process under
3 subd. 3. may include design and construction professionals who work for the county
4 or are hired by the county to assist in the selection, members of the county board and
5 representatives from the county entity that will use the facility that is to be
6 constructed under the selection process described in this paragraph.

7 3. The county shall make a final selection from among the teams selected under
8 subd. 2. if the county determines that at least one of the teams selected as a finalist
9 under subd. 2. will be able to construct the public work in a way that is satisfactory
10 to the county. The final selection shall be made following interviews and
11 presentations from the finalists, based on criteria that are published as a class 1
12 notice under ch. 985. The notice shall state the weight that is given to each criterion.
13 The criteria to be used in making a final selection under this subdivision may include
14 the quality of the proposed design, the construction approach to be used to complete
15 the project, the extent to which a proposal demonstrates compliance with the project
16 statement described under subd. 1., the proposed management plan for the project,
17 the estimated cost of the project and a guaranteed maximum price for the project.

18 (e) If the county selects a design–build team under par. (d) 3. and enters into
19 a contract for the construction of the project, the design–build team shall obtain
20 bonding, in an amount specified by the county, to guarantee completion of the project
21 according to the terms of the contract.”.

22 **535.** Page 761, line 21: after that line insert:

23 “SECTION 1577n. 59.52 (29) (ae) of the statutes is created to read:

1 59.52 (29) (ae) In this subsection, “labor organization” has the meaning given
2 in s. 5.02 (8m).

3 **SECTION 1577o.** 59.52 (29) (b) of the statutes is amended to read:

4 59.52 (29) (b) The provisions of par. (a) (am) are not mandatory for the repair
5 or reconstruction of public facilities when damage or threatened damage thereto
6 creates an emergency, as determined by resolution of the board, in which the public
7 health or welfare of the county is endangered. Whenever the board by majority vote
8 at a regular or special meeting determines that an emergency no longer exists, this
9 paragraph no longer applies.

10 **SECTION 1577p.** 59.52 (29) (f) and (g) of the statutes are created to read:

11 59.52 (29) (f) The board shall ensure that the specifications for bids and
12 contracts for construction projects entered into under this subsection do not do any
13 of the following:

14 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
15 an agreement with any labor organization concerning services to be performed in
16 relation to the project or a related project.

17 2. Discriminate against any bidder, contractor or subcontractor for refusing to
18 enter into or continue to adhere to an agreement with any labor organization
19 concerning services to be performed in relation to the project or a related project.

20 3. Require any bidder, contractor or subcontractor to enter into, continue to
21 adhere to or enforce any agreement that requires its employes, as a condition of
22 employment, to do any of the following:

23 a. Become members of or become affiliated with a labor organization.

1 b. Make payments to a labor organization, without the authorization of the
2 employes, exceeding the employes' proportionate share of the cost of collective
3 bargaining, contract administration and grievance adjustment.

4 (g) Any taxpayer of this state or any other person who enters into contracts or
5 subcontracts for building construction services may bring an action to require
6 compliance with par. (f). If that person prevails in his or her action, the court shall
7 award to that person reasonable actual attorney fees in addition to other costs
8 allowed to prevailing parties under ch. 814.”.

9 **536.** Page 761, line 22: delete lines 22 to 25.

10 **537.** Page 762, line 1: delete lines 1 to 12.

11 **538.** Page 763, line 10: after that line insert:

12 “**SECTION 1579u.** 59.692 (6m) of the statutes is created to read:

13 59.692 (**6m**) For an amendment to an ordinance enacted under this section that
14 affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the
15 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
16 amendment, to determine whether the ordinance, as amended, fails to meet the
17 shoreland zoning standards.”.

18 **539.** Page 763, line 23: after that line insert:

19 “**SECTION 1580n.** 60.47 (2) (a) of the statutes is amended to read:

20 60.47 (**2**) (a) No town may enter into a public contract with an estimated cost
21 of more than \$5,000 but not more than \$10,000 \$30,000 unless the town board, or a
22 town official or employe designated by the town board, gives a class 1 notice under
23 ch. 985 before execution of that public contract.

24 **SECTION 1580nc.** 60.47 (2) (b) of the statutes is amended to read:

1 60.47 (2) (b) No town may enter into a public contract with a value of more than
2 \$10,000 \$30,000 unless the town board, or a town official or employe designated by
3 the town board, advertises for proposals to perform the terms of the public contract
4 by publishing a class 2 notice under ch. 985. The town board may provide for
5 additional means of advertising for bids.

6 **SECTION 1580nf.** 60.47 (2m) of the statutes is created to read:

7 60.47 (2m) DESIGN-BUILD CONTRACTS. Any public contract under sub. (2), the
8 estimated cost of which exceeds \$500,000, may be let using the design-build
9 construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e),
10 as it applies to counties, applies to towns.

11 **SECTION 1580ng.** 60.47 (3) of the statutes is amended to read:

12 60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER. ~~The Except as provided in~~
13 sub. (2m), the town board shall let a public contract for which advertising for
14 proposals is required under sub. (2) (b) to the lowest responsible bidder. Section
15 66.29 applies to public contracts let under sub. (2) (b).

16 **SECTION 1580ni.** 60.47 (5) of the statutes is amended to read:

17 60.47 (5) EXCEPTION FOR EMERGENCIES AND DONATED MATERIALS AND LABOR. This
18 section is optional with respect to public contracts for the repair and construction of
19 public facilities when damage or threatened damage to the facility creates an
20 emergency, as declared by resolution of the town board, that endangers the public
21 health or welfare of the town. This subsection no longer applies when the town board
22 declares that the emergency no longer exists. This section is optional with respect
23 to a public contract if the materials related to the contract are donated or if the labor
24 that is necessary to execute the public contract is provided by volunteers.”.

1 **540.** Page 763, line 23: after that line insert:

2 “**SECTION 1582mp.** 60.62 (2) of the statutes is amended to read:

3 60.62 **(2)** If the county in which the town is located has enacted a zoning
4 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
5 approval by the town meeting or by a referendum vote of the electors of the town to
6 be held at the time of any regular or special election in accordance with s. 8.065.”.

7 **541.** Page 763, line 23: after that line insert:

8 “**SECTION 1582m.** 60.47 (1) (a) of the statutes is renumbered 60.47 (1) (am).

9 **SECTION 1582n.** 60.47 (1) (ae) of the statutes is created to read:

10 60.47 **(1)** (ae) “Labor organization” has the meaning given in s. 5.02 (8m).

11 **SECTION 1582o.** 60.47 (5m) of the statutes is created to read:

12 60.47 **(5m)** CONTRACTS WITH LABOR ORGANIZATIONS. (a) The town board shall
13 ensure that the specifications for bids and contracts for construction projects entered
14 into under this section do not do any of the following:

15 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
16 an agreement with any labor organization concerning services to be performed in
17 relation to the project or a related project.

18 2. Discriminate against any bidder, contractor or subcontractor for refusing to
19 enter into or continue to adhere to an agreement with any labor organization
20 concerning services to be performed in relation to the project or a related project.

21 3. Require any bidder, contractor or subcontractor to enter into, continue to
22 adhere to or enforce any agreement that requires its employees, as a condition of
23 employment, to do any of the following:

24 a. Become members of or become affiliated with a labor organization.

1 b. Make payments to a labor organization, without the authorization of the
2 employes, exceeding the employes' proportionate share of the cost of collective
3 bargaining, contract administration and grievance adjustment.

4 (b) Any taxpayer of this state or any other person who enters into contracts or
5 subcontracts for building construction services may bring an action to require
6 compliance with par. (a). If that person prevails in his or her action, the court shall
7 award to that person reasonable actual attorney fees in addition to other costs
8 allowed to prevailing parties under ch. 814.”.

9 **542.** Page 763, line 23: after that line insert:

10 “**SECTION 1582k.** 60.50 (2m) of the statutes is created to read:

11 **60.50 (2m)** SEWERAGE SYSTEM USE. Approve or disapprove any connection with
12 or use of the town sewerage system, as defined in s. 60.70 (6), by any property owner
13 whose property is connected to a working private sewage system, as defined in s.
14 145.01 (12).”.

15 **543.** Page 763, line 23: after that line insert:

16 “**SECTION 1581m.** 59.70 (2) (L) of the statutes is amended to read:

17 **59.70 (2) (L)** Appropriate funds and levy taxes to provide funds for acquisition
18 or lease of sites, easements, necessary facilities and equipment and for all other costs
19 required for the solid waste management system except that no municipality which
20 operates its own solid waste management program ~~under s. 287.09 (2) (a)~~ or waste
21 collection and disposal facility, or property therein, shall be subject to any tax levied
22 hereunder to cover the capital and operating costs of these functions. Such
23 appropriations may be treated as a revolving capital fund to be reimbursed from
24 proceeds of the system.”.

1 **544.** Page 763, line 23: after that line insert:

2 “**SECTION 1580m.** 59.84 (2) (em) of the statutes is created to read:

3 59.84 (2) (em) *Light rail transit systems; construction prohibition.* No person
4 may construct a light rail transit system in Milwaukee County unless the board first
5 authorizes the development of the applicable light rail transit system by resolution
6 and the resolution is ratified in a referendum of the electors of Milwaukee County.
7 The referendum is valid only if the vote is taken at the next general election, as
8 defined in s. 5.02 (5), after the adoption of the resolution.”.

9 **545.** Page 763, line 24: delete the material beginning with that line and
10 ending with page 767, line 17.

11 **546.** Page 767, line 17: after that line insert:

12 “**SECTION 1585Lm.** 61.55 (title) of the statutes is amended to read:

13 **61.55** (title) ~~Contracts involving over \$10,000; how let; exception~~ **Public**
14 **contracts and competitive bidding.**

15 **SECTION 1585m.** 61.55 of the statutes is renumbered 61.55 (1m) and amended
16 to read:

17 **61.55 (1m)** CONTRACTS INVOLVING OVER \$30,000; HOW LET; EXCEPTION. ~~All~~ **Except**
18 **as provided in sub. (2), all** contracts for public construction, in any such village,
19 exceeding \$10,000 ~~\$30,000~~, shall be let by the village board to the lowest responsible
20 bidder in accordance with s. 66.29 insofar as said that section may be applicable. If
21 the estimated cost of any public construction exceeds \$5,000, but is not greater than
22 \$10,000 ~~\$30,000~~, the village board shall give a class 1 notice, under ch. 985, of the
23 proposed construction before the contract for the construction is executed. This
24 provision **does not apply to public construction if the materials for such a project are**

1 donated or if the labor for such a project is provided by volunteers, and this provision
2 and s. 281.41 are not mandatory for the repair and reconstruction of public facilities
3 when damage or threatened damage thereto creates an emergency, as determined
4 by resolution of the village board, in which the public health or welfare of the village
5 is endangered. Whenever the village board by majority vote at a regular or special
6 meeting declares that an emergency no longer exists, this exemption no longer
7 applies.

8 **SECTION 1585mc.** 61.55 (2) of the statutes is created to read:

9 61.55 (2) DESIGN-BUILD CONSTRUCTION. Any contract for public construction
10 under sub. (1m), the estimated cost of which exceeds \$500,000, may be let using the
11 design-build construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29)
12 (d) and (e), as it applies to counties, applies to villages.

13 **SECTION 1587s.** 62.03 (1) of the statutes is amended to read:

14 62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j)
15 and (k), 62.15 (1m) (b), 62.175 and 62.23 (7) (em) and (he), does not apply to 1st class
16 cities under special charter.

17 **SECTION 1588c.** 62.15 (1) of the statutes is amended to read:

18 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All
19 Except as provided in sub. (1m), all public construction, the estimated cost of which
20 exceeds \$10,000 \$30,000, shall be let by contract to the lowest responsible bidder; all
21 other public construction shall be let as the council may direct. If the estimated cost
22 of any public construction exceeds \$5,000 but is not greater than \$10,000 \$30,000,
23 the board of public works shall give a class 1 notice, under ch. 985, of the proposed
24 construction before the contract for the construction is executed. This provision does
25 not apply to public construction if the materials for such a project are donated or if

1 the labor for such a project is provided by volunteers. The council may also by a vote
2 of three-fourths of all the members-elect provide by ordinance that any class of
3 public construction or any part thereof may be done directly by the city without
4 submitting the same for bids.

5 **SECTION 1588d.** 62.15 (1m) of the statutes is created to read:

6 **62.15 (1m) DESIGN-BUILD CONTRACTS.** (a) Any contract for public construction
7 under sub. (1), the estimated cost of which exceeds \$500,000, may be let using the
8 design-build construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29)
9 (d) and (e), as it applies to counties, applies to cities.

10 (b) Any contract for public construction, the estimated cost of which exceeds
11 \$500,000, let by a 1st class city may be let using the design-build construction
12 process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e), as it applies
13 to counties, applies to 1st class cities.”.

14 **547.** Page 767, line 17: after that line insert:

15 “**SECTION 1585m.** 60.74 (5) (b) of the statutes is amended to read:

16 **60.74 (5) (b)** A petition conforming to the requirements of s. 8.40 signed by
17 qualified electors of the district equal to at least 20% of the vote cast for governor in
18 the district at the last gubernatorial election, requesting a change to appointment
19 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). Upon
20 receipt of the petition, the town board shall submit the question to a referendum at
21 the next ~~regular spring election or general election, or shall call a special election for~~
22 that purpose authorized under s. 8.065 (2) or an election authorized under s. 8.065
23 (3) to be held not sooner than 45 days after receipt of the petition. The inspectors
24 shall count the votes and submit a statement of the results to the commission. The

1 commission shall canvass the results of the election and certify the results to the
2 town board which has authority to appoint commissioners.

3 **SECTION 1587m.** 61.187 (1) of the statutes is amended to read:

4 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
5 of s. 8.40, signed by at least one-third as many electors of any village as voted for
6 village officers at the next preceding election therefor, shall be presented to the
7 village board praying for dissolution of the village corporation, such board shall
8 submit to the electors of such village, for determination by ballot in substantially the
9 manner provided by ss. 5.64 (2) and 10.02, ~~at a general election or at a special election~~
10 ~~called by them for that purpose~~ the next election authorized under s. 8.065 (2) or an
11 election authorized under s. 8.065 (3) to be held not sooner than 45 days after
12 presentation of the petition, the question whether or not such village corporation
13 shall be dissolved.

14 **SECTION 1587o.** 61.46 (1) of the statutes is amended to read:

15 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
16 15 in each year, by resolution to be entered of record, determine the amount of
17 corporation taxes to be levied and assessed on the taxable property in such village
18 for the current year. Before levying any tax for any specified purpose, exceeding one
19 percent of the assessed valuation aforesaid, the village board shall, and in all other
20 cases may in its discretion, submit the question of levying the same to the village
21 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or
22 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after
23 submission by giving 10 days' notice thereof prior to such election by publication in
24 a newspaper published in the village, if any, and if there is none, then by posting

1 notices in 3 public places in said village, setting forth in such notices the object and
2 purposes for which such taxes are to be raised and the amount of the proposed tax.

3 **SECTION 1587q.** 62.09 (1) (a) of the statutes is amended to read:

4 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
5 attorney, engineer, one or more assessors unless the city is assessed by a county
6 assessor under s. 70.99, one or more constables as determined by the common
7 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
8 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
9 except in cities where not applicable, chief of police, chief of the fire department,
10 board of public works, 2 alderpersons from each aldermanic district, and such other
11 officers or boards as are created by law or by the council. If one alderperson from each
12 aldermanic district is provided under s. 66.018 (1), the council may, by ordinance
13 adopted by a two-thirds vote of all its members and approved by the electors at a
14 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be
15 2 alderpersons from each aldermanic district.”

16 **548.** Page 767, line 17: after that line insert:

17 “**SECTION 1589o.** 61.55 (1) of the statutes is created to read:

18 61.55 (1) DEFINITION. In this section “labor organization” has the meaning
19 given in s. 5.02 (8m).

20 **SECTION 1589p.** 61.55 (3) of the statutes is created to read:

21 61.55 (3) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The village board shall
22 ensure that the specifications for bids and contracts for construction projects entered
23 into under this section do not do any of the following:

1 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
2 an agreement with any labor organization concerning services to be performed in
3 relation to the project or a related project.

4 2. Discriminate against any bidder, contractor or subcontractor for refusing to
5 enter into or continue to adhere to an agreement with any labor organization
6 concerning services to be performed in relation to the project or a related project.

7 3. Require any bidder, contractor or subcontractor to enter into, continue to
8 adhere to or enforce any agreement that requires its employes, as a condition of
9 employment, to do any of the following:

10 a. Become members of or become affiliated with a labor organization.

11 b. Make payments to a labor organization, without the authorization of the
12 employes, exceeding the employes' proportionate share of the cost of collective
13 bargaining, contract administration and grievance adjustment.

14 (b) Any taxpayer of this state or any other person who enters into contracts or
15 subcontracts for building construction services may bring an action to require
16 compliance with par. (a). If that person prevails in his or her action, the court shall
17 award to that person reasonable actual attorney fees in addition to other costs
18 allowed to prevailing parties under ch. 814.

19 **SECTION 1589q.** 62.15 (1e) of the statutes is created to read:

20 62.15 (1e) DEFINITION. In this section "labor organization" has the meaning
21 given in s. 5.02 (8m).

22 **SECTION 1589r.** 62.15 (15) of the statutes is created to read:

23 62.15 (15) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The common council shall
24 ensure that the specifications for bids and contracts for construction projects entered
25 into under this section do not do any of the following:

1 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
2 an agreement with any labor organization concerning services to be performed in
3 relation to the project or a related project.

4 2. Discriminate against any bidder, contractor or subcontractor for refusing to
5 enter into or continue to adhere to an agreement with any labor organization
6 concerning services to be performed in relation to the project or a related project.

7 3. Require any bidder, contractor or subcontractor to enter into, continue to
8 adhere to or enforce any agreement that requires its employees, as a condition of
9 employment, to do any of the following:

10 a. Become members of or become affiliated with a labor organization.

11 b. Make payments to a labor organization, without the authorization of the
12 employees, exceeding the employees' proportionate share of the cost of collective
13 bargaining, contract administration and grievance adjustment.

14 (b) Any taxpayer of this state or any other person who enters into contracts or
15 subcontracts for building construction services may bring an action to require
16 compliance with par. (a). If that person prevails in his or her action, the court shall
17 award to that person reasonable actual attorney fees in addition to other costs
18 allowed to prevailing parties under ch. 814.”.

19 **549.** Page 767, line 17: after that line insert:

20 “**SECTION 1583s.** 60.726 (2) of the statutes is amended to read:

21 60.726 (2) If a property owner installed on his or her property a private sewage
22 system, as defined in s. 145.01 (12), that conforms with the state plumbing code,
23 before a town sanitary district that encompasses that property came into existence,
24 that property ~~shall~~ may be included in the town sanitary district. If the private

1 sewage system was installed on or after 10 years before May 14, 1992, and if the
2 property owner provides the town sanitary district with any information about the
3 cost of the private sewage system required by the district, the town sanitary district,
4 when the district issues any assessment or charges or imposes property taxes to
5 construct a sewage service system, shall pay or credit the property owner an amount
6 equal to 10% of the cost of the private sewage system, less any grants or aids received
7 by the property owner for construction of the private sewage system, multiplied by
8 the number of years of remaining life of the private sewage system. The number of
9 years of remaining life of the private sewage system is equal to 10 minus the number
10 of years that the private sewage system has been in operation.

11 **SECTION 1583v.** 60.77 (5) (L) of the statutes is created to read:

12 60.77 (5) (L) Approve or disapprove any connection with or use of the sewerage
13 system by any property owner whose property is connected to a working private
14 sewage system, as defined in s. 145.01 (12).

15 **SECTION 1588m.** 62.175 (1) of the statutes is amended to read:

16 62.175 (1) First class cities may construct and extend the sewer and water
17 system into the adjoining towns, subject to s. 66.916. The extensions shall be made
18 without expense to the cities. The rates to be charged for water to consumers beyond
19 the corporate limits of the city shall be fixed by the common council of the city upon
20 the recommendation of the city's board of public works. First class cities may approve
21 or disapprove any connection with or use of the sewer and water system by any
22 property owner whose property is connected to a working private sewage system, as
23 defined in s. 145.01 (12).

24 **SECTION 1588p.** 62.18 (1) of the statutes is amended to read:

1 **62.18 (1) CITIES MAY CONSTRUCT.** Cities shall have power to construct systems
2 of sewerage, including a sewage disposal plant and all other appurtenances thereto,
3 to make additions, alterations and repairs to such systems and plants, and when
4 necessary abandon any existing system and build a new system, and to provide for
5 the payment of the same by the city, by sewerage districts or by abutting property
6 owners or by any combination of these methods. Cities may approve or disapprove
7 any connection with or use of the sewerage system by any property owner whose
8 property is connected to a working private sewage system, as defined in s. 145.01
9 (12). Whenever the council shall determine to lay sewers or provide sewerage in any
10 portion of the city it shall so order by resolution which shall describe with reasonable
11 particularity the district to be sewered. Whenever the territory of any city of this
12 state shall be adjacent to or border on the territory of any other state, such city shall
13 have power to build or construct a sewage disposal plant in such adjacent state,
14 either alone for its sole use or jointly with some city or municipality in such adjacent
15 state for their joint use on terms to be agreed upon by such municipalities. And if
16 either city or municipality shall build or construct a sewage disposal plant, the city
17 in this state may contract with the other city or municipality for its joint use on terms
18 to be agreed upon.”.

19 **550.** Page 768, line 15: after that line insert:

20 “**SECTION 1591k.** 62.231 (6m) of the statutes is created to read:

21 **62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES.** For an amendment to an
22 ordinance enacted under this section that affects an activity that meets all of the
23 requirements under s. 281.165 (1) to (5), the department of natural resources may

1 not proceed under sub. (6), or otherwise review the amendment, to determine
2 whether the ordinance, as amended, fails to meet reasonable minimum standards.”.

3 **551.** Page 768, line 24: after that line insert:

4 “**SECTION 1592m.** 64.03 (1) of the statutes is amended to read:

5 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,
6 and every petition for a ~~special election~~ referendum on the same, shall state the
7 number of members of which the council herein provided for shall be composed, the
8 term of office of its members, which term shall not exceed 2 years, whether they shall
9 be nominated and elected from aldermanic districts or from the city at large, and the
10 compensation, if any, which they shall receive.

11 **SECTION 1592n.** 64.39 (3) of the statutes is amended to read:

12 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
13 the questions prescribed in sub. (1) at a ~~special~~ the next election specified in s. 8.065
14 (2) or an election authorized under s. 8.065 (3) to be held at a ~~time specified therein~~
15 ~~and within 2 months~~ not sooner than 45 days after such petition is filed. The election
16 upon such question shall be conducted, the vote canvassed, and the result declared
17 in the same manner as provided by law for other city elections.

18 **SECTION 1592r.** 66.01 (8) of the statutes is amended to read:

19 66.01 (8) Every charter, charter amendment or charter ordinance enacted or
20 approved by a vote of the electors shall control and prevail over any prior or
21 subsequent act of the legislative body of the city or village. Whenever the electors
22 of any city or village by a majority vote have adopted or determined to continue to
23 operate under either ch. 62 or 64, or have determined the method of selection of
24 members of the governing board, the question shall not again be submitted to the

1 electors, nor action taken thereon within a period of 2 years. Any election to change
2 or amend the charter of any city or village, other than a special an election as
3 ~~provided in~~ called under s. 9.20 (4), shall be held at the time provided by statute for
4 holding the spring election.”.

5 **552.** Page 768, line 25: delete the material beginning with that line and
6 ending with page 777, line 19.

7 **553.** Page 778, line 5: after that line insert:

8 “SECTION 1608c. 66.059 (2m) (b) of the statutes is amended to read:

9 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
10 governing body shall direct the municipal clerk to call ~~a special election for the~~
11 ~~purpose of submitting~~ submit the resolution to the electors for approval of the
12 electors at a referendum on approval or rejection. ~~In lieu of a special election, the~~
13 ~~municipal governing body may specify that the election be held at the next~~
14 ~~succeeding spring primary or election or September primary or general election~~
15 called in accordance with s. 8.065.

16 SECTION 1608d. 66.061 (1) (c) of the statutes is amended to read:

17 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
18 and publication unless sooner approved by a referendum. Within that time electors
19 equal in number to 20 per cent of those voting at the last regular municipal election,
20 may demand a referendum. The demand shall be in writing and filed with the clerk.
21 Each signer shall state his or her occupation and residence and signatures shall be
22 verified by the affidavit of an elector. The referendum shall be held at the next
23 ~~regular municipal election, or at a special election within 90 days of the~~ authorized
24 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner

1 than 45 days after filing of the demand, and the ordinance shall not be effective
2 unless approved by a majority of the votes cast thereon. This paragraph shall not
3 apply to extensions by a utility previously franchised by the village or city.

4 **SECTION 1608e.** 66.075 (5) of the statutes is amended to read:

5 66.075 (5) The provisions of this section shall apply only to such counties, cities,
6 villages and towns as shall have adopted the same at any general or municipal
7 election at which the question of the establishment of such county or municipal
8 slaughterhouse shall have been submitted to the voters of such county, city, village
9 or town. Such question shall, upon the filing of a petition conforming to the
10 requirements of s. 8.40 by electors of such county, city, village or town equal in
11 number to at least 10% of all the votes cast in such county, city, village or town for
12 governor at the last preceding general election, be submitted to the electors of such
13 county, city, village or town at the next ensuing election authorized under s. 8.065 (2)
14 or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after
15 filing of the petition, and if a majority of votes cast shall be in favor of the
16 establishment of such slaughterhouse, the provisions of this section shall apply to
17 such county, city, village or town.”.

18 **554.** Page 779, line 6: after that line insert:

19 “**SECTION 1608p.** 66.085 (2) of the statutes is amended to read:

20 66.085 (2) INTERFERENCE PROHIBITED. The owner or manager of a multiunit
21 dwelling under common ownership, control or management or of a mobile home park
22 or the association or board of directors of a condominium may not prevent a cable
23 operator from providing cable service to a subscriber who is a resident of the
24 multiunit dwelling, mobile home park or of the condominium or interfere with a cable

1 operator providing cable service to a subscriber who is a resident of the multiunit
2 dwelling, mobile home park or of the condominium.”.

3 **555.** Page 785, line 13: after that line insert:

4 “**SECTION 1617p.** 66.24 (5) (d) of the statutes is amended to read:

5 66.24 (5) (d) *Bids.* Whenever plans and specifications for any facilities have
6 been completed and approved by the commission and by any other agency which
7 must approve the plans and specifications, and the commission has determined to
8 proceed with the work of the construction thereof, it shall advertise by a class 2 notice
9 under ch. 985, for bids for the construction of the facilities. Contracts for the work
10 shall be let to the lowest responsible bidder, except for contracts awarded under par.
11 (e). or the agency may reject any and all bids and if in its discretion the prices quoted
12 are unreasonable, the bidders irresponsible or the bids informal, it may readvertise
13 the work or any part of it. All contracts shall be protected by such bonds, penalties
14 and conditions as the district shall require. The commission may itself do any part
15 of any of the works.

16 **SECTION 1617q.** 66.24 (5) (e) of the statutes is created to read:

17 66.24 (5) (e) *Design-build contracts.* Any contract for public construction
18 under this subsection, the estimated cost of which exceeds \$500,000, may be let using
19 the design-build construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52
20 (29) (d) and (e), as it applies to counties, applies to districts.”.

21 **556.** Page 785, line 13: after that line insert:

22 “**SECTION 1617m.** 66.20 (3s) of the statutes is created to read:

23 66.20 (3s) “Labor organization” has the meaning given in s. 5.02 (8m).

24 **SECTION 1617p.** 66.24 (5m) of the statutes is created to read:

1 **66.24 (5m)** CONTRACTS WITH LABOR ORGANIZATIONS. (a) The commission shall
2 ensure that the specifications for bids and contracts for construction projects entered
3 into under sub. (5) do not do any of the following:

4 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
5 an agreement with any labor organization concerning services to be performed in
6 relation to the project or a related project.

7 2. Discriminate against any bidder, contractor or subcontractor for refusing to
8 enter into or continue to adhere to an agreement with any labor organization
9 concerning services to be performed in relation to the project or a related project.

10 3. Require any bidder, contractor or subcontractor to enter into, continue to
11 adhere to or enforce any agreement that requires its employes, as a condition of
12 employment, to do any of the following:

13 a. Become members of or become affiliated with a labor organization.

14 b. Make payments to a labor organization, without the authorization of the
15 employes, exceeding the employes' proportionate share of the cost of collective
16 bargaining, contract administration and grievance adjustment.

17 (b) Any taxpayer of this state or any other person who enters into contracts or
18 subcontracts for building construction services may bring an action to require
19 compliance with par. (a). If that person prevails in his or her action, the court shall
20 award to that person reasonable actual attorney fees in addition to other costs
21 allowed to prevailing parties under ch. 814.”.

22 **557.** Page 785, line 13: after that line insert:

23 “**SECTION 1617s.** 66.24 (3) of the statutes is amended to read:

1 66.24 (3) CONNECTIONS WITH SYSTEM. The commission may require any person
2 or municipality in the district to provide for the discharge of its sewage into the
3 district's collection and disposal system, or to connect any sanitary sewerage system
4 with the district's disposal system wherever reasonable opportunity therefor is
5 provided; may regulate the manner in which such connections are made; may require
6 any person or municipality discharging sewage into the system to provide
7 preliminary treatment therefor; may approve or disapprove any connection with or
8 use of the sewerage system by any property owner whose property is connected to a
9 working private sewerage system, as defined in s. 145.01 (12); may prohibit and impose
10 a penalty for the discharge into the system of any substance which it determines will
11 or may be harmful to the system or any persons operating it; and may, with the prior
12 approval of the department, after hearing upon 30 days' notice to the municipality
13 involved, require any municipality to discontinue the acquisition, improvement or
14 operation of any facility for disposal of any wastes or material handled by the
15 commission wherever and so far as adequate service is or will be provided by the
16 commission. The commission shall have access to all sewerage records of any
17 municipality in the district and shall require all such municipalities to submit plans
18 of existing systems and proposed extensions of local services or systems. The
19 commission or its employes may enter upon the land in any municipality within the
20 district for the purpose of making surveys or examinations.”.

21 **558.** Page 785, line 14: delete lines 14 to 24.

22 **559.** Page 786, line 18: after that line insert:

23 **“SECTION 1621m.** 66.35 (1) (a) of the statutes is amended to read:

1 66.35 (1) (a) “Medical waste incinerator” has the meaning given in s. 287.07 (7)
2 ~~(c) 1. cr. (8) (a) 5.~~”.

3 **560.** Page 788, line 16: delete lines 16 to 24 and substitute:

4 “66.431 (5) (a) 4. d. Subject to sub. (5m), the authority of a 1st class city may
5 issue up to \$170,000,000 in bonds to finance capital improvements to implement the
6 report approved under 1999 Wisconsin Act (this act), section 9139 (7tw) (b) if the
7 board of school directors of the school district operating under ch. 119 adopts a
8 resolution requesting the authority to do so. Bonds issued under this subd. 4. d. may
9 not have a maturity in excess of 20 years, and may not be issued later than the first
10 day of the 60th month beginning after the effective date of this subd. 4. d. [revisor
11 inserts date]. Principal and interest payments on bonds issued under this subd. 4.
12 d. may be paid by the board of school directors of the school district operating under
13 ch. 119. If within 30 days after the adoption of a resolution under this subd. 4. d. a
14 petition conforming to the requirements of s. 8.40, that is signed by a number of
15 electors of the city equal to at least 10% of the votes cast in the city for governor at
16 the last general election, is filed in the office of the city clerk demanding that the
17 resolution be submitted to a vote of the electors the resolution may not take effect
18 until it is submitted to a referendum and approved by a majority of the electors. The
19 referendum shall be held at the next regular spring or general election.”.

20 **561.** Page 793, line 22: after that line insert:

21 “**SECTION 1630dg.** 66.431 (14) of the statutes is amended to read:

22 66.431 (14) OBLIGATIONS. For the purpose of financially aiding an authority to
23 carry out blight elimination, slum clearance and urban renewal programs and
24 projects, the city in which the authority functions is authorized, without limiting its

1 authority under any other law, to issue and sell general obligation bonds in the
2 manner and in accordance with the provisions of ch. 67, except that, subject to sub.
3 (5) (a) 4. d., no referendum shall be required, and to levy taxes without limitation for
4 the payment thereof, as provided in s. 67.035. The bonds authorized under this
5 subsection shall be fully negotiable and except as provided in this subsection shall
6 not be subject to any other law or charter pertaining to the issuance or sale of bonds.”.

7 **562.** Page 800, line 2: after that line insert:

8 “**SECTION 1637a.** 66.504 (2) of the statutes is amended to read:

9 66.504 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
10 contract with a nonprofit corporation organized for civic purposes and located in the
11 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
12 a facility to be used for municipal and civic activities if a majority of the voters voting
13 in a referendum at ~~a special election or at a spring primary or election or September~~
14 ~~primary or general~~ an election authorized under s. 8.065 approve the question of
15 entering into the joint contract.”.

16 **563.** Page 800, line 12: after that line insert:

17 “**SECTION 1637w.** 66.521 (10) (d) of the statutes is amended to read:

18 66.521 (10) (d) The governing body may issue bonds under this section without
19 submitting the proposition to the electors of the municipality for approval unless
20 within 30 days from the date of publication of notice of adoption of the initial
21 resolution for such bonds, a petition conforming to the requirements of s. 8.40, and
22 signed by a number of electors of the municipality equal to not less than 5% of the
23 registered electors of the municipality, or, if there is no registration of electors in the
24 municipality, by 10% of the number of electors of the municipality voting for the office

1 of governor at the last general election as determined under s. 115.01 (13), is filed
2 with the clerk of the municipality requesting a referendum upon the question of the
3 issuance of the bonds. If such a petition is filed, the bonds shall not be issued until
4 approved by a majority of the electors of the municipality voting thereon at a ~~general~~
5 ~~or special election~~ referendum called in accordance with s. 8.065.”.

6 **564.** Page 805, line 3: after “subdivision” insert “. except that the first \$3,000
7 of an impact fee is payable before the building permit may be issued”.

8 **565.** Page 806, line 9: after that line insert:

9 “**SECTION 1638i.** 66.606 of the statutes is repealed.”.

10 **566.** Page 806, line 12: delete “98.25%” and substitute “97.45%”.

11 **567.** Page 806, line 20: after that line insert:

12 “**SECTION 1643p.** 66.904 (2) (a) of the statutes is amended to read:

13 66.904 (2) (a) Except for a contract awarded under par. (am) and except as
14 provided in par. (b), all work done and all purchases of supplies and materials by the
15 commission shall be by contract awarded to the lowest responsible bidder complying
16 with the invitation to bid, if the work or purchase involves an expenditure of \$7,500
17 \$30,000 or more. If the commission decides to proceed with construction of any sewer
18 after plans and specifications for the sewer are completed and approved by the
19 commission and by the department of natural resources under ch. 281, the
20 commission shall advertise by a class 2 notice under ch. 985 for construction bids.
21 All contracts and the awarding of contracts are subject to s. 66.29, except for a
22 contract awarded under par. (am).

23 **SECTION 1643q.** 66.904 (2) (am) of the statutes is created to read:

1 66.904 (2) (am) Any contract for public construction under sub. (1), the
2 estimated cost of which exceeds \$500,000, may be let using the design–build
3 construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e),
4 as it applies to counties, applies to the district.

5 **SECTION 1643r.** 66.904 (2) (e) of the statutes is amended to read:

6 66.904 (2) (e) Paragraphs (a) ~~to~~ and (b) to (d) do not apply to contracts awarded
7 under s. 66.905. Paragraph (am) applies to contracts awarded under s. 66.905.”.

8 **568.** Page 806, line 20: after that line insert:

9 “**SECTION 1638n.** 66.77 (3) (a) 1. of the statutes is amended to read:

10 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
11 levy rate limit otherwise applicable to the county under this section, it shall adopt
12 a resolution to that effect. The resolution shall specify either the operating levy rate
13 or the operating levy that the governing body wishes to impose for either a specified
14 number of years or an indefinite period. The governing body shall ~~call a special~~
15 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
16 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
17 ~~specify that~~ provide for the referendum to be held at the next ~~succeeding spring~~
18 ~~primary or election or September primary or general election to be held~~ authorized
19 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier
20 than 30 days after the adoption of the resolution of the governing body.

21 **SECTION 1640m.** 66.94 (4) of the statutes is amended to read:

22 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village
23 or town within the metropolitan district in the following manner: The governing body
24 of any municipality, by ordinance passed at least 30 days prior to submission of the

1 question, may direct that the question of the adoption of this section be submitted
2 to the electors therein at any ~~general, special, judicial or local~~ election authorized
3 under s. 8.065. The clerk of such municipality or the election commission of any city
4 of the first class shall thereupon submit the question to popular vote. Public notice
5 of the election shall be given in the same manner as in case of a regular municipal
6 election except that such notice shall be published or posted at least 20 days prior to
7 the election. If a majority of those voting on the question vote in the affirmative
8 thereon, this section shall be adopted in such municipality. The proposition on the
9 ballot to be used at such election shall be in substantially the following form:

10 Shall section 66.94 of the Wisconsin statutes which creates a metropolitan
11 transit authority for ownership and operation of a public mass transportation system
12 in the metropolitan district be adopted?

13 YES NO .

14 **569.** Page 806, line 20: after that line insert:

15 “**SECTION 1638p.** 66.88 (5s) of the statutes is created to read:

16 66.88 (5s) “Labor organization” has the meaning given in s. 5.02 (8m).

17 **SECTION 1640m.** 66.904 (6) of the statutes is created to read:

18 66.904 (6) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The commission shall
19 ensure that the specifications for bids and contracts for construction projects entered
20 into under this section do not do any of the following:

21 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
22 an agreement with any labor organization concerning services to be performed in
23 relation to the project or a related project.

1 2. Discriminate against any bidder, contractor or subcontractor for refusing to
2 enter into or continue to adhere to an agreement with any labor organization
3 concerning services to be performed in relation to the project or a related project.

4 3. Require any bidder, contractor or subcontractor to enter into, continue to
5 adhere to or enforce any agreement that requires its employes, as a condition of
6 employment, to do any of the following:

7 a. Become members of or become affiliated with a labor organization.

8 b. Make payments to a labor organization, without the authorization of the
9 employes, exceeding the employes' proportionate share of the cost of collective
10 bargaining, contract administration and grievance adjustment.

11 (b) Any taxpayer of this state or any other person who enters into contracts or
12 subcontracts for building construction services may bring an action to require
13 compliance with par. (a). If that person prevails in his or her action, the court shall
14 award to that person reasonable actual attorney fees in addition to other costs
15 allowed to prevailing parties under ch. 814.”

16 **570.** Page 806, line 21: delete the material beginning with that line and
17 ending with page 808, line 24.

18 **571.** Page 808, line 24: after that line insert:

19 “**SECTION 1646m.** 66.949 (3) of the statutes is amended to read:

20 66.949 **(3)** NOTICE. Notwithstanding ss. 27.065 (5) (a), 30.32, 38.18, 43.17 (9)
21 (a), 59.52 (29) ~~(a)~~ (am), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57,
22 62.15 (1), 62.155, 66.24 (5) (d), 66.299 (2), 66.431 (5) (a) 2., 66.47 (11), 66.505 (10),
23 66.508 (10) and 66.904 (2), before entering into a performance contract under this
24 section, a local governmental unit shall solicit bids or competitive sealed proposals

1 from qualified providers. A local governmental unit may only enter into a
2 performance contract if the contract is awarded by the governing body of the local
3 governmental unit. The governing body shall give at least 10 days' notice of the
4 meeting at which the body intends to award a performance contract. The notice shall
5 include a statement of the intent of the governing body to award the performance
6 contract, the names of all potential parties to the proposed performance contract, and
7 a description of the energy conservation and facility improvement measures
8 included in the performance contract. At the meeting, the governing body shall
9 review and evaluate the bids or proposals submitted by all qualified providers and
10 may thereafter award the performance contract to the qualified provider that best
11 meets the needs of the local governmental unit, which need not be the lowest cost
12 provider.”.

13 **572.** Page 808, line 24: after that line insert:

14 “**SECTION 1646e.** 66.945 (15) of the statutes is amended to read:

15 **66.945 (15) DISSOLUTION OF REGIONAL PLANNING COMMISSIONS.** Upon receipt of
16 certified copies of resolutions recommending the dissolution of a regional planning
17 commission adopted by the governing bodies of a majority of the local units in the
18 region, ~~including the county board of any county, part or all of which is within the~~
19 ~~region,~~ and upon a finding that all outstanding indebtedness of the commission has
20 been paid and all unexpended funds returned to the local units which supplied them,
21 or that adequate provision has been made therefor, the governor shall issue a
22 certificate of dissolution of the commission which shall thereupon cease to exist.
23 Every local unit located within the boundaries of a region, including the county board
24 of any county, part or all of which is within the region, may adopt a resolution

1 recommending the dissolution of the regional planning commission under this
2 subsection, even if the local unit has withdrawn from the commission's jurisdiction
3 under sub. (16).".

4 **573.** Page 808, line 25: after that line insert:

5 “**SECTION 1647m.** 67.05 (4) and (5) of the statutes are amended to read:

6 67.05 **(4)** PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an
7 initial resolution for an issue of county bonds to provide for the original construction
8 or for the improvement and maintenance of highways, to provide railroad aid, or to
9 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining
10 a bridge over or across any stream or other body of water bordering upon or
11 intersecting any part of the county, the county clerk is not required to submit the
12 resolution for approval to the electors of the county at a ~~special election~~ referendum
13 unless within 30 days after the adoption thereof there is filed with the clerk a petition
14 conforming to the requirements of s. 8.40 and requesting such submission, signed by
15 electors numbering at least 10% of the votes cast in the county for governor at the
16 last general election. If a petition is filed, the question submitted shall be whether
17 the resolution shall be or shall not be approved. No such resolution of a county board
18 other than those specified in this subsection need be submitted to county electors,
19 except as provided otherwise in sub. (7).

20 **(5)** REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial
21 resolution has been so adopted by the governing body of a town, the clerk of the
22 municipality shall immediately record the resolution and call a ~~special election~~
23 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
24 to the electors of the municipality for approval. This paragraph does not apply to

1 bonds issued to finance low-interest mortgage loans under s. 66.38, unless a number
2 of electors equal to at least 15% of the votes cast for governor at the last general
3 election in their town sign and file a petition conforming to the requirements of s. 8.40
4 with the town clerk requesting submission of the resolution. Whenever a number of
5 electors cannot be determined on the basis of reported statistics, the number shall
6 be determined in accordance with s. 60.74 (6). If a petition is filed, the question
7 submitted shall be whether the resolution shall or shall not be approved. This
8 paragraph is limited in its scope by sub. (7).

9 (b) No city or village may issue any bonds for any purposes other than for water
10 systems, lighting works, gas works, bridges, street lighting, street improvements,
11 street improvement funding, hospitals, airports, harbor improvements, river
12 improvements, breakwaters and protection piers, sewerage, garbage disposal,
13 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish
14 disposal, parks and public grounds, swimming pools and band shells thereon,
15 veterans housing projects, paying the municipality's portion of the cost of abolishing
16 grade crossings, for the construction of police facilities and combined fire and police
17 safety buildings, for the purchase of sites for engine houses, for fire engines and other
18 equipment of the fire department, for construction of engine houses, and for pumps,
19 water mains, reservoirs and all other reasonable facilities for fire protection
20 apparatus or equipment for fire protection, for parking lots or other parking
21 facilities, for school purposes, for libraries, for buildings for the housing of machinery
22 and equipment, for acquiring and developing sites for industry and commerce as will
23 expand the municipal tax base, for financing the cost of low-interest mortgage loans
24 under s. 66.38, for providing financial assistance to blight elimination, slum
25 clearance, community development, redevelopment and urban renewal programs

1 and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 or
2 for university of Wisconsin system college campuses, as defined in s. 36.05 (6m), until
3 the proposition for their issue for the special purpose thereof has been submitted to
4 the electors of the city or village and adopted by a majority vote. Except as provided
5 under sub. (15), if the common council of any city or the village board of any village
6 declares its purpose to raise money by issuing bonds for any purpose other than those
7 above specified, it shall direct by resolution, which shall be recorded at length in the
8 record of its proceedings, the clerk to call a ~~special election~~ referendum in accordance
9 with s. 8.065 for the purpose of submitting the question of bonding to the city or
10 village electors. If a number of electors of a city or village equal to at least 15% of the
11 votes cast for governor at the last general election in their city or village sign and file
12 a petition conforming to the requirements of s. 8.40 with the city or village clerk
13 requesting submission of the resolution, the city or village may not issue bonds for
14 financing the cost of low-interest mortgage loans under s. 66.38 ~~without calling a~~
15 ~~special election to submit the question of bonding to~~ unless the issuance is approved
16 by the city or village electors for their approval at a referendum called in accordance
17 with s. 8.065.

18 **SECTION 1648a.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

19 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~
20 referendum in accordance with s. 8.065 (2) or a referendum authorized under s. 8.065
21 (3) for the purpose of submitting the resolution to the electors for approval or
22 rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~
23 primary or election permitted under s. 8.065 (2) or a referendum authorized under
24 s. 8.065 (3) to be held not earlier than 45 days after the adoption of the resolution.

1 The resolution shall not be effective unless adopted by a majority of the school district
2 electors voting at the referendum.”.

3 **574.** Page 808, line 25: after that line insert:

4 “SECTION 1647c. 67.04 (5) (b) 4. of the statutes is created to read:

5 67.04 (5) (b) 4. To pay unfunded prior service liability contributions under the
6 Wisconsin retirement system if all of the proceeds of the note will be used to pay for
7 such contributions.”.

8 **575.** Page 809, line 9: after that line insert:

9 “SECTION 1648i. 67.05 (6m) (b) of the statutes is amended to read:

10 67.05 (6m) (b) If a referendum is to be held on an initial resolution, the district
11 board shall direct the technical college district secretary to call a ~~special election~~
12 referendum in accordance with s. 8.065 for the purpose of submitting the initial
13 resolution to the electors for a ~~referendum on approval or rejection. In lieu of a~~
14 ~~special election, the district board may specify that the election be held at the next~~
15 ~~succeeding spring primary or election or September primary or general election.”.~~

16 **576.** Page 809, line 13: after that line insert:

17 “SECTION 1648s. 67.10 (5) (b) of the statutes is amended to read:

18 67.10 (5) (b) Any city having ~~voted~~ approved the issuance of bonds at a ~~special~~
19 ~~referendum election~~ held in accordance with s. 8.065 and having sold a portion
20 thereof may negotiate, sell or otherwise dispose of the same in the manner provided
21 by statute within 9 years of the date of the election voting the same.”.

22 **577.** Page 809, line 23: after that line insert:

23 “SECTION 1649e. 67.12 (12) (e) 5. of the statutes is amended to read:

1 67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district
2 board of a resolution under subd. 1. to issue a promissory note for a purpose under
3 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption
4 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
5 the resolution, but shall state the amount proposed to be borrowed, the method of
6 borrowing, the purpose thereof, that the resolution was adopted under this
7 subsection and the place where and the hours during which the resolution is
8 available for public inspection. If the amount proposed to be borrowed is for building
9 remodeling or improvement and does not exceed \$500,000 or is for movable
10 equipment, the district board need not submit the resolution to the electors for
11 approval unless, within 30 days after the publication or posting, a petition
12 conforming to the requirements of s. 8.40 is filed with the secretary of the district
13 board requesting a referendum ~~at a special election~~ to be called for that purpose.
14 Such petition shall be signed by electors from each county lying wholly or partially
15 within the district. The number of electors from each county shall equal at least 1.5%
16 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
17 in more than one district, the technical college system board shall apportion the
18 county's population as determined under s. 16.96 (2) (c) to the districts involved and
19 the petition shall be signed by electors equal to the appropriate percentage of the
20 apportioned population. ~~In lieu of a special election, the district board may specify~~
21 ~~that the referendum shall be held at the next succeeding spring primary or election~~
22 ~~or September primary or general election.~~ Any resolution to borrow amounts of
23 money in excess of \$500,000 for building remodeling or improvement shall be
24 submitted to the electors of the district for approval. Any referendum under this
25 subdivision shall be called at the next election authorized under s. 8.065 (2) or an

1 election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing
2 of a petition or adoption of a resolution requiring the referendum. If a referendum
3 is held or required under this subdivision, no promissory note may be issued until
4 the issuance is approved by a majority of the district electors voting at such
5 referendum. The referendum shall be noticed, called and conducted under s. 67.05
6 (6a) insofar as applicable, except that the notice of ~~special election~~ referendum and
7 ballot need not embody a copy of the resolution and the question which shall appear
8 on the ballot shall be “Shall (name of district) be authorized to borrow the sum of
9 \$.... for (state purpose) by issuing its general obligation promissory note (or notes)
10 under section 67.12 (12) of the Wisconsin Statutes?”.”.

11 **578.** Page 810, line 5: delete “Thirteen dollars and 40 cents” and substitute
12 “Fourteen dollars”.

13 **579.** Page 811, line 18: after that line insert:

14 “**SECTION 1653d.** 70.111 (3) of the statutes is amended to read:

15 70.111 **(3)** BOATS. Watercraft employed regularly in interstate traffic.
16 ~~Watercraft, watercraft~~ laid up for repairs.—~~All, all~~ pleasure watercraft used for
17 recreational purposes.—~~Commercial, commercial~~ fishing boats.—~~Charter and~~
18 equipment that is used by commercial fishing boats, charter sailboats and charter
19 boats, other than sailboats, that are used for tours.”.

20 **580.** Page 811, line 18: after that line insert:

21 “**SECTION 1653f.** 70.11 (40) of the statutes is created to read:

22 70.11 **(40)** HUB TERMINAL FACILITY. (a) In this subsection:

1 1. “Air carrier company” means any person engaged in the business of
2 transportation in aircraft of persons or property for hire on regularly scheduled
3 flights.

4 2. “Hub terminal facility” means a facility at which an air carrier company
5 operated at least 45 common carrier departing flights each weekday in the prior year
6 and transported passengers to at least 15 nonstop destinations or transported cargo
7 to nonstop destinations, as defined by rule by the department of revenue.

8 (b) Property owned by an air carrier company that operates a hub terminal
9 facility in this state.”.

10 **581.** Page 811, line 18: after that line insert:

11 “**SECTION 1653d.** 70.111 (24) of the statutes is created to read:

12 70.111 **(24)** MOTION PICTURE THEATER EQUIPMENT. Projection equipment, sound
13 systems and projection screens that are owned and used by a motion picture
14 theater.”.

15 **582.** Page 811, line 18: after that line insert:

16 “**SECTION 1653f.** 70.111 (25) of the statutes is created to read:

17 70.111 **(25)** DIGITAL BROADCASTING EQUIPMENT. Digital broadcasting equipment
18 owned and used by a radio station or a television station, except that this subsection
19 does not apply to digital broadcasting equipment that is owned and used by a cable
20 television system, as defined in s. 66.082 (2) (d).”.

21 **583.** Page 812, line 2: after that line insert:

22 “**SECTION 1660m.** 70.58 of the statutes is amended to read:

23 **70.58 Forestation state tax.** There is levied an annual tax of two-tenths of
24 one mill for each dollar of the assessed valuation of the property of the state as

1 determined by the department of revenue under s. 70.57, for the purpose of
2 acquiring, preserving and developing the forests of the state and for the purpose of
3 forest crop law and county forest law administration and aid payments, for grants
4 to forestry cooperatives under s. 36.56, and for the acquisition, purchase and
5 development of forests described under s. 25.29 (7) (a) and (b), the proceeds of the tax
6 to be paid into the conservation fund. The tax shall not be levied in any year in which
7 general funds are appropriated for the purposes specified in this section, equal to or
8 in excess of the amount which the tax would produce.”.

9 **584.** Page 812, line 2: after that line insert:

10 “**SECTION 1655p.** 70.337 (5) of the statutes is amended to read:

11 70.337 (5) Each person that is required to file a report under sub. (1) shall pay
12 a reasonable fee that is sufficient to defray the costs to the taxation district of
13 distributing and reviewing the forms under sub. (1) and of preparing the form for the
14 department of revenue under sub. (2). The amount of the fee shall be established by
15 the governing body of the taxation district. This subsection does not apply to a church
16 or religious association that is required to file a report under sub. (1).”.

17 **585.** Page 825, line 14: after that line insert:

18 “**SECTION 1674v.** 71.04 (1) (a) of the statutes is amended to read:

19 71.04 (1) (a) All income or loss of resident individuals and resident estates and
20 trusts shall follow the residence of the individual, estate or trust. Income or loss of
21 nonresident individuals and nonresident estates and trusts from business, not
22 requiring apportionment under sub. (4), (10) or (11), shall follow the situs of the
23 business from which derived, except that all income that is realized from the sale of
24 or purchase and subsequent sale or redemption of lottery prizes if the winning tickets

1 were originally bought in this state shall be allocated to this state. All items of
2 income, loss and deductions of nonresident individuals and nonresident estates and
3 trusts derived from a tax-option corporation not requiring apportionment under
4 sub. (9) shall follow the situs of the business of the corporation from which derived,
5 except that all income that is realized from the sale of or purchase and subsequent
6 sale or redemption of lottery prizes if the winning tickets were originally bought in
7 this state shall be allocated to this state. Income or loss of nonresident individuals
8 and nonresident estates and trusts derived from rentals and royalties from real
9 estate or tangible personal property, or from the operation of any farm, mine or
10 quarry, or from the sale of real property or tangible personal property shall follow the
11 situs of the property from which derived. Income from personal services of
12 nonresident individuals, including income from professions, shall follow the situs of
13 the services. A nonresident limited partner's distributive share of partnership
14 income shall follow the situs of the business, except that all income that is realized
15 from the sale of or purchase and subsequent sale or redemption of lottery prizes if
16 the winning tickets were originally bought in this state shall be allocated to this
17 state. A nonresident limited liability company member's distributive share of
18 limited liability company income shall follow the situs of the business, except that
19 all income that is realized from the sale of or purchase and subsequent sale or
20 redemption of lottery prizes if the winning tickets were originally bought in this state
21 shall be allocated to this state. Income of nonresident individuals, estates and trusts
22 from the state lottery under ch. 565 is taxable by this state. Income of nonresident
23 individuals, estates and trusts from any multijurisdictional lottery under ch. 565 is
24 taxable by this state, but only if the winning lottery ticket or lottery share was
25 purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the

1 department. Income of nonresident individuals, nonresident trusts and nonresident
2 estates from pari-mutuel winnings or purses under ch. 562 is taxable by this state.
3 Income of nonresident individuals, estates and trusts from winnings from a casino
4 or bingo hall that is located in this state and that is operated by a Native American
5 tribe or band shall follow the situs of the casino or bingo hall. All other income or loss
6 of nonresident individuals and nonresident estates and trusts, including income or
7 loss derived from land contracts, mortgages, stocks, bonds and securities or from the
8 sale of similar intangible personal property, shall follow the residence of such
9 persons, except as provided in par. (b) and sub. (9), except that all income that is
10 realized from the sale of or purchase and subsequent sale or redemption of lottery
11 prizes if the winning tickets were originally bought in this state shall be allocated
12 to this state.”.

13 **586.** Page 826, line 13: delete lines 13 to 16 and substitute:

14 “71.04 (4) (a) For taxable years beginning before January 1, 2001, an
15 apportionment fraction composed of a sales factor under sub. (7) representing 50%
16 of the fraction, a property factor under sub. (5) representing 25% of the fraction and
17 a payroll factor under sub. (6) representing 25% of the fraction.

18 **SECTION 1675bb.** 71.04 (4) (am) of the statutes is created to read:

19 71.04 (4) (am) For taxable years beginning after December 31, 2000, and before
20 January 1, 2002, an apportionment fraction composed of a sales factor under sub. (7)
21 representing 63% of the fraction, a property factor under sub. (5) representing 18.5%
22 of the fraction and a payroll factor under sub. (6) representing 18.5% of the fraction.”.

23 **587.** Page 829, line 19: after “of the service” insert “, except as provided in
24 subd. 4”.

1 **588.** Page 830, line 14: after that line insert:

2 “4. If the benefit of a service is received in this state, as provided under this
3 subsection, and the service is performed in a state that does not attribute the receipts
4 from a service to the state in which the purchaser of the service receives the service,
5 the taxpayer may elect, by a method prescribed by the department, to attribute the
6 receipts from the service to this state in proportion to the direct cost of performing
7 such service.”.

8 **589.** Page 832, line 13: after that line insert:

9 “**SECTION 1682nb.** 71.04 (8) (b) of the statutes is amended to read:

10 71.04 **(8)** (b) “Public utility”, as used in this section, means any business entity
11 which owns or operates any plant, equipment, property, franchise, or license for the
12 transmission of communications or the production, transmission, sale, delivery, or
13 furnishing of electricity, water or steam, the rates of charges for goods or services of
14 which have been established or approved by a federal, state or local government or
15 governmental agency. “Public utility” also means any business entity providing
16 service to the public and engaged in the transportation of goods and persons for hire,
17 as defined in s. 194.01 (4), regardless of whether or not the entity’s rates or charges
18 for services have been established or approved by a federal, state or local government
19 or governmental agency. This paragraph does not apply to gas and electric
20 companies for taxable years beginning after December 31, 1999.”.

21 **590.** Page 832, line 21: after “(9d)” insert “and the net business income of gas
22 and electric companies shall be apportioned under sub. (4)”.

23 **591.** Page 832, line 21: after that line insert:

24 “**SECTION 1682pd.** 71.04 (9) of the statutes is amended to read:

1 71.04 (9) NONRESIDENT INCOME FROM MULTISTATE TAX-OPTION CORPORATION.
2 Nonresident individuals and nonresident estates and trusts deriving income from a
3 tax-option corporation which is engaged in business within and without this state
4 shall be taxed only on the income of the corporation derived from business transacted
5 and property located in this state and losses and other items of the corporation
6 deductible by such shareholders shall be limited to their proportionate share of the
7 Wisconsin loss or other item, except that all income that is realized from the sale of
8 or purchase and subsequent sale or redemption of lottery prizes if the winning tickets
9 were originally bought in this state shall be allocated to this state. For purposes of
10 this subsection, all intangible income of tax-option corporations passed through to
11 shareholders is business income that follows the situs of the business, except that all
12 income that is realized from the sale of or purchase and subsequent sale or
13 redemption of lottery prizes if the winning tickets were originally bought in this state
14 shall be allocated to this state.”.

15 **592.** Page 834, line 19: delete “, (2dy) and (3s)” and substitute “and, (2dy), (3s)
16 and (5r)”.

17 **593.** Page 834, line 22: after that line insert:

18 “**SECTION 1685c.** 71.05 (6) (b) 9. of the statutes is amended to read:

19 71.05 (6) (b) 9. On assets held more than one year and on all assets acquired
20 from a decedent, 60% of the capital gain as computed under the internal revenue
21 code, not including capital gains for which the federal tax treatment is determined
22 under section 406 of P.L. 99-514 ~~and~~; not including amounts treated as ordinary
23 income for federal income tax purposes because of the recapture of depreciation or
24 any other reason; and not including amounts treated as capital gain for federal

1 income tax purposes from the sale or exchange of a lottery prize. For purposes of this
2 subdivision, the capital gains and capital losses for all assets shall be netted before
3 application of the percentage.”.

4 **594.** Page 836, line 7: after that line insert:

5 “SECTION 1688j. 71.05 (6) (b) 31. of the statutes is created to read:

6 71.05 (6) (b) 31. For taxable years beginning after December 31, 1998, an
7 amount up to \$500 that an individual contributes to an individual who is a candidate
8 for elective public office in this state.”.

9 **595.** Page 849, line 7: after that line insert:

10 “SECTION 1710db. 71.07 (3m) (b) 1. a. of the statutes is amended to read:

11 71.07 (3m) (b) 1. a. Subject to the limitations provided in this subsection and
12 s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income
13 taxes otherwise due, the amount derived under par. (c). If the allowable amount of
14 claim exceeds the income taxes otherwise due on the claimant’s income or if there are
15 no Wisconsin income taxes due on the claimant’s income, the amount of the claim not
16 used as an offset against income taxes shall be certified to the department of
17 administration for payment to the claimant by check, share draft or other draft paid
18 from the appropriation under s. 20.835 (2) ~~(q)~~ (dn).

19 **SECTION 1710dc.** 71.07 (3m) (b) 1. a. of the statutes, as affected by 1999
20 Wisconsin Act (this act), is repealed and recreated to read:

21 71.07 (3m) (b) 1. a. Subject to the limitations provided in this subsection and
22 s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income
23 taxes otherwise due, the amount derived under par. (c). If the allowable amount of
24 claim exceeds the income taxes otherwise due on the claimant’s income or if there are

1 no Wisconsin income taxes due on the claimant's income, the amount of the claim not
2 used as an offset against income taxes shall be certified to the department of
3 administration for payment to the claimant by check, share draft or other draft paid
4 from the appropriation under s. 20.835 (2) (q).”.

5 **596.** Page 849, line 7: after that line insert:

6 “**SECTION 1710df.** 71.07 (3m) (c) 1. of the statutes is amended to read:

7 71.07 (3m) (c) 1. Any claimant may claim against taxes otherwise due under
8 this chapter ~~10% a percentage, as determined by the department under subd. 3.,~~ of
9 the property taxes accrued in the taxable year to which the claim relates, up to a
10 maximum claim of \$1,000 \$2,000 for taxable years ending before January 1, 2001,
11 and up to a maximum claim of \$1,500 for taxable years beginning after December 31,
12 2000, except that the credit under this subsection plus the credit under subch. IX
13 may not exceed 95% of the property taxes accrued on the farm.

14 **SECTION 1710dg.** 71.07 (3m) (c) 3. of the statutes is created to read:

15 71.07 (3m) (c) 3. The department shall annually adjust the percentage that is
16 used to determine the amount of the claim under subd. 1. based on the estimated
17 number of claims and the amount estimated to be expended from the appropriation
18 under s. 20.835 (2) (q), as determined under s. 79.13. The department shall
19 incorporate the annually adjusted percentage into the income tax forms and
20 instructions.”.

21 **597.** Page 849, line 13: after “labor union” insert “, to travel expenses or to
22 home office expenses”.

23 **598.** Page 849, line 20: after that line insert:

24 “**SECTION 2713g.** 71.07 (5r) of the statutes is created to read:

1 71.07 **(5r)** EDUCATION CREDIT. (a) In this subsection:

2 1. “Claimant” means a sole proprietor, a partner, a member of a limited liability
3 company or a shareholder of a tax–option corporation who files a claim under this
4 subsection.

5 2. “Degree–granting program” means an educational program for which an
6 associate, a bachelor’s or a graduate degree is awarded upon successful completion.

7 3. “Qualified postsecondary institution” means a University of Wisconsin
8 System institution, a technical college system institution or a regionally accredited
9 4–year nonprofit college or university having its regional headquarters and principal
10 place of business in this state, notwithstanding s. 16.973 (1) (b).

11 (b) A claimant may claim as a credit against the tax imposed under this
12 subchapter an amount equal to 50% of the tuition that the claimant paid or incurred
13 during the taxable year for an individual to participate in an education program of
14 a qualified postsecondary institution, if the individual is enrolled in a
15 degree–granting program.

16 (c) A claimant may not claim the credit under par. (b) for any tuition amounts
17 that the claimant excluded under s. 71.05 (6) (b) 28. or under section 127 of the
18 Internal Revenue Code.

19 (d) The carry–over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit
20 under s. 71.28 (4), apply to the credit under this subsection.

21 (e) Partnerships, limited liability companies and tax–option corporations may
22 not claim the credit under this subsection, but the eligibility for, and the amount of,
23 the credit are based on their payment of tuition under par. (b). A partnership, limited
24 liability company or tax–option corporation shall compute the amount of credit that
25 each of its partners, members or shareholders may claim and shall provide that

1 information to each of them. Partners, members of limited liability companies and
2 shareholders of tax-option corporations may claim the credit in proportion to their
3 ownership interest.

4 (f) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),
5 applies to the credit under this subsection.”.

6 **599.** Page 850, line 3: after that line insert:

7 “**SECTION 1715m.** 71.07 (6m) of the statutes is created to read:

8 71.07 **(6m)** ARMED FORCES MEMBER TAX CREDIT. (a) *Definitions.* In this
9 subsection:

10 1. “Claimant” means an active duty member of the U.S. armed forces, as
11 defined in 26 USC 7701 (a) (15).

12 2. “Military income” means an amount of basic, special or incentive pay income,
13 as those terms are used in 37 USC chapters 3 and 5, received by a claimant from the
14 federal government.

15 (b) *Filing claims.* Subject to the limitations and conditions provided in this
16 subsection, a claimant may claim as a credit against the tax imposed under s. 71.02,
17 up to the amount of those taxes, an amount up to \$200 of military income for services
18 performed by the claimant while he or she is stationed outside of the United States.

19 (c) *Limitations and conditions.* 1. No credit may be allowed under this
20 subsection unless it is claimed within the time period under s. 71.75 (2).

21 2. Part-year residents and nonresidents of this state are not eligible for the
22 credit under this subsection.

23 3. If both spouses of a married couple meet the definition of claimant under par.
24 (a) 1., each spouse may claim the credit under this subsection.

1 (d) *Administration*. Subsection (9e) (d), to the extent that it applies to the credit
2 under that subsection, applies to the credit under this subsection.”.

3 **600.** Page 851, line 1: after “(3s),” insert “(5r)”.

4 **601.** Page 851, line 2: after “(6)” insert “, (6m)”.

5 **602.** Page 851, line 2: delete the material beginning with “(2m)” and ending
6 with “(2m) and (3)” on line 3 and substitute “(2m) ~~and~~, (3) and (5r) and 71.47 (1dd),
7 (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (1fd), (2m) ~~and~~, (3) and (5r)”.

8 **603.** Page 851, line 7: after that line insert:

9 “**SECTION 1719j.** 71.10 (4) (cm) of the statutes is created to read:

10 71.10 (4) (cm) The armed forces member tax credit under s. 71.07 (6m).”.

11 **604.** Page 851, line 7: after that line insert:

12 “**SECTION 1719i.** 71.10 (3) (a) (title) of the statutes is created to read:

13 71.10 (3) (a) (title) *Voluntary payments*.

14 **SECTION 1719j.** 71.10 (3) (a) of the statutes is renumbered 71.10 (3) (a) 1. and
15 amended to read:

16 71.10 (3) (a) 1. ‘Designation on return.’ Every Any individual filing an income
17 tax return ~~who has a tax liability or is entitled to a tax refund~~ may designate on the
18 return an additional payment in the amount of \$1 or a deduction from any refund due
19 that individual in the amount of \$1 for the Wisconsin election campaign fund for the
20 use of eligible candidates under s. 11.50. ~~If the individuals filing a married couple~~
21 files a joint return ~~have a tax liability or are entitled to a tax refund~~, each individual
22 spouse may make a designation of \$1 under this subsection.

23 **SECTION 1719jk.** 71.10 (3) (a) 2. and 3. of the statutes are created to read:

1 71.10 (3) (a) 2. ‘Designation added to tax owed.’ If the individual owes any tax,
2 the individual shall remit in full the tax due and an additional \$1 for the Wisconsin
3 election campaign fund when the individual files a tax return.

4 3. ‘Designation deducted from refund.’ Except as provided under par. (c) if the
5 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80
6 (3), the department of revenue shall deduct \$1 for the Wisconsin election campaign
7 fund from the amount of the refund.

8 **SECTION 1719jm.** 71.10 (3) (b) of the statutes is renumbered 71.10 (3) (f)
9 and amended to read:

10 71.10 (3) (f) Administration, certification of amounts confidentiality. The
11 secretary of revenue shall provide a place for those designations on the face of the
12 individual income tax return and shall provide next to that place a statement that
13 a designation will ~~not~~ increase tax liability or reduce a refund. Annually on August
14 15, the secretary of revenue shall certify to the elections board, the department of
15 administration and the state treasurer under s. 11.50 the total amount of received
16 from all designations made during the preceding fiscal year. ~~If any individual~~
17 ~~attempts to place any condition or restriction upon a designation, that individual is~~
18 ~~deemed not to have made a designation on his or her tax return~~ Amounts designated
19 for the Wisconsin election campaign fund under this subsection are not subject to
20 refund to the taxpayer unless the taxpayer submits information to the satisfaction
21 of the department of revenue within 18 months after the date taxes are due or the
22 date the return is filed, whichever is later, that the amount designated is clearly in
23 error. Any refund granted by the department of revenue under this subdivision shall
24 be deducted from the moneys received under this subsection in the fiscal year that

1 the refund is certified. The names of persons making designations under this
2 subsection shall be strictly confidential.

3 **SECTION 1719jn.** 71.10 (3) (bm) of the statutes is created to read:

4 71.10 (3) (bm) *Errors; failure to remit correct amount.* If an individual who
5 owes a tax fails to remit an amount equal to or in excess of the total of the actual tax
6 due, after error corrections, and the amount designated on the return for the
7 Wisconsin election campaign fund, the designation for the Wisconsin election
8 campaign fund is void.

9 **SECTION 1719jp.** 71.10 (3) (c) of the statutes is repealed and recreated to read:

10 71.10 (3) (c) *Errors; insufficient refund.* If an individual is owed a refund that
11 does not equal or exceed \$1, after crediting under ss. 71.75 (9) and 71.80 (3) and after
12 error corrections, the designation for the Wisconsin election campaign fund is void.

13 **SECTION 1719jr.** 71.10 (3) (d) of the statutes is created to read:

14 71.10 (3) (d) *Conditions.* If an individual places any conditions on a designation
15 for the Wisconsin election campaign fund, the designation is void.

16 **SECTION 1719jt.** 71.10 (3) (e) of the statutes is created to read:

17 71.10 (3) (e) *Void designation.* If a designation for the Wisconsin election
18 campaign fund is void, the department of revenue shall disregard the designation
19 and determine amounts due, owed, refunded and received without regard to the void
20 designation.”.

21 **605.** Page 851, line 9: after that line insert:

22 “**SECTION 1719p.** 71.10 (4) (i) of the statutes is amended to read:

23 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland
24 preservation credit under subch. IX, homestead credit under subch. VIII, farmland

1 tax relief credit under s. 71.07 (3m), farmers' drought property tax credit under s.
2 71.07 (2fd), earned income tax credit under s. 71.07 (9e), education credit under s.
3 71.07 (5r), estimated tax payments under s. 71.09, and taxes withheld under subch.
4 X.”.

5 **606.** Page 853, line 21: delete “, (2dy) and (3s)” and substitute “and, (2dy), (3s)
6 and (5r)”.

7 **607.** Page 873, line 19: after “both” insert “, or that buy or sell lottery prizes
8 if the winning tickets were originally bought in this state”.

9 **608.** Page 873, line 21: after that line insert:

10 “**SECTION 1722yd.** 71.23 (2) of the statutes is amended to read:

11 71.23 (2) FRANCHISE TAX. For the privilege of exercising its franchise, buying
12 or selling lottery prizes is the winning tickets were originally bought in this state or
13 doing business in this state in a corporate capacity, except as provided under sub. (3),
14 every domestic or foreign corporation, except corporations specified in s. 71.26 (1),
15 and every nuclear decommissioning trust or reserve fund shall annually pay a
16 franchise tax according to or measured by its entire Wisconsin net income of the
17 preceding taxable year at the rate set forth in s. 71.27 (2). In addition, except as
18 provided in sub. (3) and s. 71.26 (1), a corporation that ceases doing business in this
19 state and a nuclear decommissioning trust or reserve fund that is terminated shall
20 pay a special franchise tax according to or measured by its entire Wisconsin net
21 income for the taxable year during which the corporation ceases doing business in
22 this state or the nuclear decommissioning trust or reserve fund is terminated at the
23 rates under s. 71.27 (2). Every corporation organized under the laws of this state or
24 that derives income from sources within this state or from activities that are

1 attributable to this state shall be deemed to be residing within this state for the
2 purposes of this franchise tax. All provisions of this chapter and ch. 73 relating to
3 income taxation of corporations shall apply to franchise taxes imposed under this
4 subsection, unless the context requires otherwise. The tax imposed by this
5 subsection on national banking associations shall be in lieu of all taxes imposed by
6 this state on national banking associations to the extent it is not permissible to tax
7 such associations under federal law.

8 **SECTION 1722yf.** 71.25 (5) (a) (intro.) of the statutes is amended to read:

9 71.25 (5) (a) *Apportionable income.* (intro.) Except as provided in sub. (6),
10 corporations engaged in business both within and without this state are subject to
11 apportionment. Income, gain or loss from the sources listed in this paragraph is
12 presumed apportionable. Apportionable income includes all income or loss of
13 corporations, other than nonapportionable income as specified in par. (b), including,
14 but not limited to, income, gain or loss from the following sources:

15 **SECTION 1722ym.** 71.25 (5) (a) 9. of the statutes is amended to read:

16 71.25 (5) (a) 9. Interest and dividends ~~if the operations of the payer are unitary~~
17 ~~with those of the payee, or if those operations are not unitary but the investment~~
18 ~~activity from which that income is derived is an integral part of a unitary business~~
19 ~~and the payer and payee are neither affiliates nor related as parent company and~~
20 ~~subsidiary. In this subdivision, “investment activity” includes decision making~~
21 ~~relating to the purchase and sale of stocks and other securities, investing surplus~~
22 ~~funds and the management and record keeping associated with corporate~~
23 ~~investments, not including activities of a broker or other agent in maintaining an~~
24 investment portfolio.

25 **SECTION 1722yn.** 71.25 (5) (a) 10. of the statutes is amended to read:

1 71.25 (5) (a) 10. ~~Sale of intangible assets if the operations of the company in~~
2 ~~which the investment was made were unitary with those of the investing company,~~
3 ~~or if those operations were not unitary but the investment activity from which that~~
4 ~~gain or loss was derived is an integral part of a unitary business and the companies~~
5 ~~were neither affiliates nor related as parent company and subsidiary. In this~~
6 ~~subdivision, “investment activity” has the meaning given under subd. 9.”.~~

7 **SECTION 1722ym.** 71.25 (5) (b) of the statutes is amended to read:

8 71.25 (5) (b) *Nonapportionable income.* 1. Income, gain or loss from the sale
9 of nonbusiness real property or nonbusiness tangible personal property, rental of
10 nonbusiness real property or nonbusiness tangible personal property and royalties
11 from nonbusiness real property or nonbusiness tangible personal property are
12 nonapportionable and shall be allocated to the situs of the property, except that all
13 income that is realized from the sale of or purchase and subsequent sale or
14 redemption of lottery prizes if the winning tickets were originally bought in this state
15 shall be allocated to this state.

16 2. All income, gain or loss from intangible property that is earned by a personal
17 holding company, as defined in section 542 of the internal revenue code, as amended
18 to December 31, 1974, shall be allocated to the residence of the taxpayer, except that
19 all income that is realized from the sale of or purchase and subsequent sale or
20 redemption of lottery prizes if the winning tickets were originally bought in this state
21 shall be allocated to this state.”.

22 **609.** Page 874, line 9: delete that line and substitute “businesses except
23 ~~financial organizations, public utilities, telecommunications companies, railroads,~~
24 ~~sleeping car”.~~

1 **610.** Page 874, line 20: delete lines 20 to 23 and substitute:

2 “71.25 **(6)** (a) For taxable years beginning before January 1, 2001, an
3 apportionment fraction composed of a sales factor under sub. (9) representing 50%
4 of the fraction, a property factor under sub. (7) representing 25% of the fraction and
5 a payroll factor under sub. (8) representing 25% of the fraction.

6 **SECTION 1729bb.** 71.25 (6) (am) of the statutes is created to read:

7 71.25 **(6)** (am) For taxable years beginning after December 31, 2000, and before
8 January 1, 2002, an apportionment fraction composed of a sales factor under sub. (9)
9 representing 63% of the fraction, a property factor under sub. (7) representing 18.5%
10 of the fraction and a payroll factor under sub. (8) representing 18.5% of the fraction.”.

11 **611.** Page 878, line 1: after “of the service” insert “, except as provided in subd.
12 4”.

13 **612.** Page 878, line 21: after that line insert:

14 “4. If the benefit of a service is received in this state, as provided under this
15 subsection, and the service is performed in a state that does not attribute the receipts
16 from a service to the state in which the purchaser of the service receives the service,
17 the taxpayer may elect, by a method prescribed by the department, to attribute the
18 receipts from the service to this state in proportion to the direct cost of performing
19 such service.”.

20 **613.** Page 887, line 20: after that line insert:

21 “**SECTION 1738nb.** 71.25 (10) (b) of the statutes is amended to read:

22 71.25 **(10)** (b) In this section, “public utility” means any business entity which
23 owns or operates any plant, equipment, property, franchise, or license for the
24 transmission of communications or the production, transmission, sale, delivery, or

1 furnishing of electricity, water or steam the rates of charges for goods or services of
2 which have been established or approved by a federal, state or local government or
3 governmental agency. “Public utility” also means any business entity providing
4 service to the public and engaged in the transportation of goods and persons for hire,
5 as defined in s. 194.01 (4), regardless of whether or not the entity’s rates or charges
6 for services have been established or approved by a federal, state or local government
7 or governmental agency. This paragraph does not apply to gas and electric
8 companies for taxable years beginning after December 31, 1999.”.

9 **614.** Page 888, line 3: after “(9d)” insert “and the net business income of gas
10 and electric companies shall be apportioned under sub. (6)”.

11 **615.** Page 888, line 25: after that line insert:

12 “**SECTION 1738t.** 71.26 (1) (a) of the statutes is amended to read:

13 71.26 (1) (a) *Certain corporations.* Income of corporations organized under ch.
14 185, except income of a cooperative sickness care association organized under s.
15 185.981, or of a service insurance corporation organized under ch. 613, that is derived
16 from a health maintenance organization as defined in s. 609.01 (2) or a limited
17 service health organization as defined in s. 609.01 (3), or operating under subch. I
18 of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any
19 shareholder or member, or operated on a cooperative plan pursuant to which they
20 determine and distribute their proceeds in substantial compliance with s. 185.45,
21 and the income, except the unrelated business taxable income as defined in section
22 512 of the internal revenue code and except income that is derived from a health
23 maintenance organization as defined in s. 609.01 (2) or a limited service health
24 organization as defined in s. 609.01 (3), of all religious, scientific, educational,

1 benevolent or other corporations or associations of individuals not organized or
2 conducted for pecuniary profit. This paragraph does not apply to the income of
3 savings banks, mutual loan corporations or savings and loan associations. This
4 paragraph does not apply to income that is realized from the sale of or purchase and
5 subsequent sale or redemption of lottery prizes if the winning tickets were originally
6 bought in this state. This paragraph applies to the income of credit unions except to
7 the income of any credit union that is derived from public deposits for any taxable
8 year in which the credit union is approved as a public depository under ch. 34 and
9 acts as a depository of state or local funds under s. 186.113 (20). For purposes of this
10 paragraph, the income of a credit union that is derived from public deposits is the
11 product of the credit union's gross annual income for the taxable year multiplied by
12 a fraction, the numerator of which is the average monthly balance of public deposits
13 in the credit union during the taxable year, and the denominator of which is the
14 average monthly balance of all deposits in the credit union during the taxable year.”.

15 **616.** Page 889, line 11: delete “and (1dy)” and substitute “, (1dy) and (5r)”.

16 **617.** Page 913, line 7: after that line insert:

17 “**SECTION 1744bd.** 71.28 (2m) (b) 1. a. of the statutes is amended to read:

18 71.28 **(2m)** (b) 1. a. Subject to the limitations provided in this subsection and
19 s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income or
20 franchise taxes otherwise due, the amount derived under par. (c). If the allowable
21 amount of claim exceeds the income or franchise taxes otherwise due on or measured
22 by the claimant's income or if there are no Wisconsin income or franchise taxes due
23 on or measured by the claimant's income, the amount of the claim not used as an
24 offset against income or franchise taxes shall be certified to the department of

1 administration for payment to the claimant by check, share draft or other draft paid
2 from the appropriation under s. 20.835 (2) ~~(q)~~ (dn).

3 **SECTION 1744be.** 71.28 (2m) (b) 1. a. of the statutes, as affected by 1999
4 Wisconsin Act (this act), is repealed and recreated to read:

5 71.28 **(2m)** (b) 1. a. Subject to the limitations provided in this subsection and
6 s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income
7 taxes otherwise due, the amount derived under par. (c). If the allowable amount of
8 claim exceeds the income taxes otherwise due on the claimant's income or if there are
9 no Wisconsin income taxes due on the claimant's income, the amount of the claim not
10 used as an offset against income taxes shall be certified to the department of
11 administration for payment to the claimant by check, share draft or other draft paid
12 from the appropriation under s. 20.835 (2) (q).”.

13 **618.** Page 913, line 7: after that line insert:

14 “**SECTION 1744bd.** 71.28 (2m) (c) 1. of the statutes is amended to read:

15 71.28 **(2m)** (c) 1. Any claimant may claim against taxes otherwise due under
16 this chapter ~~10% a percentage, as determined by the department under subd. 3.,~~ of
17 the property taxes accrued in the taxable year to which the claim relates, up to a
18 maximum claim of ~~\$1,000~~ \$2,000 for taxable years ending before January 1, 2001,
19 and up to a maximum claim of \$1,500 for taxable years beginning after December 31,
20 2000, except that the credit under this subsection plus the credit under subch. IX
21 may not exceed 95% of the property taxes accrued on the farm.

22 **SECTION 1744bg.** 71.28 (2m) (c) 3. of the statutes is created to read:

23 71.28 **(2m)** (c) 3. The department shall annually adjust the percentage that is
24 used to determine the amount of the claim under subd. 1. based on the estimated

1 number of claims and the amount estimated to be expended from the appropriation
2 under s. 20.835 (2) (q), as determined under s. 79.13. The department shall
3 incorporate the annually adjusted percentage into the income tax forms and
4 instructions.”.

5 **619.** Page 914, line 4: after that line insert:

6 “**SECTION 1746g.** 71.28 (5r) of the statutes is created to read:

7 71.28 (5r) EDUCATION CREDIT. (a) In this subsection:

- 8 1. “Claimant” means a corporation that files a claim under this subsection.
- 9 2. “Degree-granting program” means an education program for which an
10 associate, a bachelor’s or a graduate degree is awarded upon successful completion.
- 11 3. “Qualified postsecondary institution” means a University of Wisconsin
12 System institution, a technical college system institution or a regionally accredited
13 4-year nonprofit college or university having its regional headquarters and principal
14 place of business in this state, notwithstanding s. 16.973 (1) (b).

15 (b) A claimant may claim as a credit against the tax imposed under this
16 subchapter an amount equal to 50% of the tuition that the claimant paid or incurred
17 during the taxable year for an individual to participate in an education program of
18 a qualified postsecondary institution, if the individual is enrolled in a
19 degree-granting program.

20 (c) A claimant may not claim the credit under par. (b) for any tuition amounts
21 that the claimant has excluded under s. 71.05 (6) (b) 28. or under section 127 of the
22 Internal Revenue Code.

23 (d) The carry-over provisions of sub. (4) (e) and (f), as they apply to the credit
24 under sub. (4), apply to the credit under this subsection.

1 (e) Partnerships, limited liability companies and tax–option corporations may
2 not claim the credit under this subsection, but the eligibility for, and the amount of,
3 the credit are based on their payment of tuition under par. (b). A partnership, limited
4 liability company or tax–option corporation shall compute the amount of credit that
5 each of its partners, members or shareholders may claim and shall provide that
6 information to each of them. Partners, members of limited liability companies and
7 shareholders of tax–option corporations may claim the credit in proportion to their
8 ownership interest.

9 (f) Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies
10 to the credit under this subsection.”.

11 **620.** Page 914, line 6: after that line insert:

12 “**SECTION 1747n.** 71.30 (3) (f) of the statutes is amended to read:

13 71.30 (3) (f) The total of farmers’ drought property tax credit under s. 71.28
14 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under
15 s. 71.28 (2m), education credit under s. 71.28 (5r) and estimated tax payments under
16 s. 71.29.”.

17 **621.** Page 917, line 5: delete “, (1dy) and (3)” and substitute “and, (1dy), (3)
18 and (5r)”.

19 **622.** Page 927, line 8: after that line insert:

20 “**SECTION 1748Lm.** 71.362 (1) of the statutes is amended to read:

21 71.362 (1) All tax–option items of nonresident individuals, nonresident estates
22 and nonresident trusts derived from a tax–option corporation not requiring
23 apportionment under sub. (2) shall follow the situs of the business of the corporation
24 from which they are derived, except that all income that is realized from the sale of

1 or purchase and subsequent sale or redemption of lottery prizes if the winning tickets
2 were originally bought in this state shall be allocated to this state.

3 **SECTION 1748Ln.** 71.362 (2) of the statutes is amended to read:

4 71.362 (2) Nonresident individuals, nonresident estates and nonresident
5 trusts deriving income from a tax–option corporation which is engaged in business
6 within and without this state shall be taxed only on the income of the corporation
7 derived from business transacted and property located in this state and losses and
8 other items of the corporation deductible by such shareholders shall be limited to
9 their proportionate share of the Wisconsin loss or other item, except that all income
10 that is realized from the sale of or purchase and subsequent sale or redemption of
11 lottery prizes if the winning tickets were originally bought in this state shall be
12 allocated to this state. For purposes of this subsection, all intangible income of
13 tax–option corporations passed through to shareholders is business income that
14 follows the situs of the business, except that all income that is realized from the sale
15 of or purchase and subsequent sale or redemption of lottery prizes if the winning
16 tickets were originally bought in this state shall be allocated to this state.”.

17 **623.** Page 937, line 24: after “both” insert “, or that buy or sell lottery prizes
18 if the winning tickets were originally bought in this state”.

19 **624.** Page 938, line 2: after that line insert:

20 “**SECTION 1748yb.** 71.43 (2) of the statutes is amended to read:

21 71.43 (2) FRANCHISE TAX ON CORPORATIONS. For the privilege of exercising its
22 franchise, buying or selling lottery prizes if the winning tickets were originally
23 bought in this state or doing business in this state in a corporate capacity, except as
24 provided under s. 71.23 (3), every domestic or foreign corporation, except

1 corporations specified in ss. 71.26 (1) and 71.45 (1), shall annually pay a franchise
2 tax according to or measured by its entire Wisconsin net income of the preceding
3 taxable year at the rates set forth in s. 71.46 (2). In addition, except as provided in
4 ss. 71.23 (3), 71.26 (1) and 71.45 (1), a corporation that ceases doing business in this
5 state shall pay a special franchise tax according to or measured by its entire
6 Wisconsin net income for the taxable year during which the corporation ceases doing
7 business in this state at the rate under s. 71.46 (2). Every corporation organized
8 under the laws of this state shall be deemed to be residing within this state for the
9 purposes of this franchise tax. All provisions of this chapter and ch. 73 relating to
10 income taxation of corporations shall apply to franchise taxes imposed under this
11 subsection, unless the context requires otherwise. The tax imposed by this
12 subsection on insurance companies subject to taxation under this chapter shall be
13 based on Wisconsin net income computed under s. 71.45, and no other provision of
14 this chapter relating to computation of taxable income for other corporations shall
15 apply to such insurance companies. All other provisions of this chapter shall apply
16 to insurance companies subject to taxation under this chapter unless the context
17 clearly requires otherwise.

18 **SECTION 1748ym.** 71.45 (1) of the statutes is amended to read:

19 **71.45 (1) EXEMPT AND EXCLUDABLE INCOME.** There shall be exempt from taxation
20 under this subchapter income of insurers exempt from federal income taxation
21 pursuant to section 501 (c) (15) of the internal revenue code, town mutuals organized
22 under or subject to ch. 612, foreign insurers, and domestic insurers engaged
23 exclusively in life insurance business, domestic insurers insuring against financial
24 loss by reason of nonpayment of principal, interest and other sums agreed to be paid
25 under the terms of any note or bond or other evidence of indebtedness secured by a

1 mortgage, deed of trust or other instrument constituting a lien or charge on real
2 estate and corporations organized under ch. 185, but not including income of
3 cooperative sickness care associations organized under s. 185.981, or of a service
4 insurance corporation organized under ch. 613, that is derived from a health
5 maintenance organization as defined in s. 609.01 (2) or a limited service health
6 organization as defined in s. 609.01 (3), or operating under subch. I of ch. 616 which
7 are bona fide cooperatives operated without pecuniary profit to any shareholder or
8 member, or operated on a cooperative plan pursuant to which they determine and
9 distribute their proceeds in substantial compliance with s. 185.45. This subsection
10 does not apply to income that is realized from the sale of or purchase and subsequent
11 sale or redemption of lottery prizes if the winning tickets were originally bought in
12 this state.”.

13 **625.** Page 938, line 5: after “(1dy)” insert “and (5r)”.

14 **626.** Page 938, line 23: after that line insert:

15 “**SECTION 1749p.** 71.45 (2) (a) 15. of the statutes is created to read:

16 71.45 (2) (a) 15. By subtracting from federal taxable income all income that is
17 realized from the purchase and subsequent sale or redemption of lottery prizes that
18 is treated as nonapportionable income under sub. (3r).”.

19 **627.** Page 941, line 10: after that line insert:

20 “**SECTION 1753d.** 71.45 (3r) of the statutes is created to read:

21 71.45 (3r) ALLOCATION OF CERTAIN PROCEEDS. All income that is realized from
22 the purchase and subsequent sale or redemption of lottery prizes if the winning
23 tickets were originally bought in this state shall be allocated to this state.”.

24 **628.** Page 941, line 21: after that line insert:

1 “**SECTION 1753m.** 71.46 (3) of the statutes is amended to read:

2 71.46 **(3)** The tax imposed under this subchapter on each domestic insurer on
3 or measured by its entire net income attributable to lines of insurance in this state
4 may not exceed 2% of the gross premiums, as defined in s. 76.62, received during the
5 taxable year by the insurer on all policies on those lines of insurance if the subject
6 of that insurance was resident, located or to be performed in this state plus 7.9% of
7 the income that is realized from the sale of or purchase and subsequent sale or
8 redemption of lottery prizes if the winning tickets were originally bought in this
9 state.”.

10 **629.** Page 943, line 22: after that line insert:

11 “**SECTION 1757bd.** 71.47 (2m) (b) 1. a. of the statutes is amended to read:

12 71.47 **(2m)** (b) 1. a. Subject to the limitations provided in this subsection and
13 s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income or
14 franchise taxes otherwise due, the amount derived under par. (c). If the allowable
15 amount of claim exceeds the income or franchise taxes otherwise due on or measured
16 by the claimant’s income or if there are no Wisconsin income or franchise taxes due
17 on or measured by the claimant’s income, the amount of the claim not used as an
18 offset against income or franchise taxes shall be certified to the department of
19 administration for payment to the claimant by check, share draft or other draft paid
20 from the appropriation under s. 20.835 (2) ~~(q)~~ (dn).

21 **SECTION 1757be.** 71.47 (2m) (b) 1. a. of the statutes, as affected by 1999
22 Wisconsin Act (this act), is repealed and recreated to read:

23 71.47 **(2m)** (b) 1. a. Subject to the limitations provided in this subsection and
24 s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income

1 taxes otherwise due, the amount derived under par. (c). If the allowable amount of
2 claim exceeds the income taxes otherwise due on the claimant's income or if there are
3 no Wisconsin income taxes due on the claimant's income, the amount of the claim not
4 used as an offset against income taxes shall be certified to the department of
5 administration for payment to the claimant by check, share draft or other draft paid
6 from the appropriation under s. 20.835 (2) (q).”.

7 **630.** Page 943, line 22: after that line insert:

8 “**SECTION 1757bd.** 71.47 (2m) (c) 1. of the statutes is amended to read:

9 71.47 (2m) (c) 1. Any claimant may claim against taxes otherwise due under
10 this chapter ~~10% a percentage, as determined by the department under subd. 3.,~~ of
11 the property taxes accrued in the taxable year to which the claim relates, up to a
12 maximum claim of ~~\$1,000~~ \$2,000 for taxable years ending before January 1, 2001,
13 and up to a maximum claim of \$1,500 for taxable years beginning after December 31,
14 2000, except that the credit under this subsection plus the credit under subch. IX
15 may not exceed 95% of the property taxes accrued on the farm.

16 **SECTION 1757bg.** 71.47 (2m) (c) 3. of the statutes is created to read:

17 71.47 (2m) (c) 3. The department shall annually adjust the percentage that is
18 used to determine the amount of the claim under subd. 1. based on the estimated
19 number of claims and the amount estimated to be expended from the appropriation
20 under s. 20.835 (2) (q), as determined under s. 79.13. The department shall
21 incorporate the annually adjusted percentage into the income tax forms and
22 instructions.”.

23 **631.** Page 944, line 19: after that line insert:

24 “**SECTION 1759g.** 71.47 (5r) of the statutes is created to read:

1 71.47 **(5r)** EDUCATION CREDIT. (a) In this subsection:

2 1. “Claimant” means a corporation that files a claim under this subsection.

3 2. “Degree–granting program” means an educational program for which an
4 associate, a bachelor’s or a graduate degree is awarded upon successful completion.

5 3. “Qualified postsecondary institution” means a University of Wisconsin
6 System institution, a technical college system institution or a regionally accredited
7 4–year nonprofit college or university having its regional headquarters and principal
8 place of business in this state, notwithstanding s. 16.973 (1) (b).

9 (b) A claimant may claim as a credit against the tax imposed under this
10 subchapter an amount equal to 50% of the tuition that the claimant paid or incurred
11 during the taxable year for an individual to participate in an education program of
12 a qualified postsecondary institution, if the individual is enrolled in a
13 degree–granting program.

14 (c) A claimant may not claim the credit under par. (b) for any tuition amounts
15 that the claimant excluded under s. 71.05 (6) (b) 28. or under section 127 of the
16 Internal Revenue Code.

17 (d) The carry–over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit
18 under s. 71.28 (4), apply to the credit under this subsection.

19 (e) Partnerships, limited liability companies and tax–option corporations may
20 not claim the credit under this subsection, but the eligibility for, and the amount of,
21 the credit are based on their payment of tuition under par. (b). A partnership, limited
22 liability company or tax–option corporation shall compute the amount of credit that
23 each of its partners, members or shareholders may claim and shall provide that
24 information to each of them. Partners, members of limited liability companies and

1 shareholders of tax–option corporations may claim the credit in proportion to their
2 ownership interest.

3 (f) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),
4 applies to the credit under this subsection.”.

5 **632.** Page 944, line 21: after that line insert:

6 “SECTION 1760s. 71.49 (1) (f) of the statutes is amended to read:

7 71.49 (1) (f) The total of farmers’ drought property tax credit under s. 71.47
8 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under
9 s. 71.47 (2m), education credit under s. 71.47 (5r) and estimated tax payments under
10 s. 71.48.”.

11 **633.** Page 947, line 11: delete lines 11 and 12 and substitute “by multiplying
12 the amount of the prize by the highest rate applicable to ~~individuals under s. 71.06~~
13 ~~(1) or (1m)~~ to the person who claims the prize. The administrator shall deposit the
14 amounts”.

15 **634.** Page 948, line 6: after that line insert:

16 “SECTION 1788s. 73.01 (4) (a) of the statutes is amended to read:

17 73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015,
18 the commission shall be the final authority for the hearing and determination of all
19 questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss.
20 70.11 (21), 70.38 (4) (a), 70.397, 70.64 and 70.995 (8), s. 76.38 (12) (a), 1993 stats., ss.
21 76.39 (4) (c), 76.48 (6), 76.91, 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555,
22 139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76 ~~and~~, 139.78 and 139.97,
23 subch. XIV of ch. 71 and subch. VII of ch. 77. Whenever with respect to a pending
24 appeal there is filed with the commission a stipulation signed by the department of

1 revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance,
2 modification or reversal of the department's position with respect to some or all of the
3 issues raised in the appeal, the commission shall enter an order affirming or
4 modifying in whole or in part, or canceling the assessment appealed from, or allowing
5 in whole or in part or denying the petitioner's refund claim, as the case may be,
6 pursuant to and in accordance with the stipulation filed. No responsibility shall
7 devolve upon the commission, respecting the signing of an order of dismissal as to
8 any pending appeal settled by the department without the approval of the
9 commission.”.

10 **635.** Page 950, line 21: after that line insert:

11 “**SECTION 1800d.** 73.0301 (1) (d) 2. of the statutes is amended to read:

12 73.0301 (1) (d) 2. A license issued by the department of health and family
13 services under s. 48.66 (1) (a) to a child welfare agency, group home, shelter care
14 facility or day care center, as required by s. 48.60, 48.625, 48.65 or 938.22 (7).”.

15 **636.** Page 951, line 5: after that line insert:

16 “**SECTION 1803q.** 74.01 (5) of the statutes is amended to read:

17 74.01 (5) “Special tax” means any amount entered in the tax roll which is not
18 a general property tax, special assessment or special charge. “Special tax” includes
19 any interest and penalties assessed for nonpayment of the tax before it is placed in
20 the tax roll and any charge under s. ~~66.606 (1) (a) 2. that is placed on the tax roll under~~
21 ~~s. 66.606 (2).~~”.

22 **637.** Page 952, line 9: after that line insert:

23 “**SECTION 1806m.** 76.02 (1) of the statutes is amended to read:

1 76.02 (1) “Air carrier company” means any person engaged in the business of
2 transportation in aircraft of persons or property for hire on regularly scheduled
3 flights, except an air carrier company that operates a hub terminal facility, as defined
4 in s. 70.11 (40). In this subsection, “aircraft” means a completely equipped operating
5 unit, including spare flight equipment, used as a means of conveyance in air
6 commerce.”.

7 **638.** Page 953, line 14: after that line insert:

8 “**SECTION 1810dm.** 77.21 (1) of the statutes is amended to read:

9 77.21 (1) “Conveyance” includes deeds and other instruments for the passage
10 of ownership interests in real estate, including contracts and assignments of a
11 vendee’s interest therein, including instruments that are evidence of a sale of
12 time-share property, as defined in s. 707.02 (32), and including leases for at least 99
13 years but excluding leases for less than 99 years, easements and wills.”.

14 **639.** Page 953, line 21: after that line insert:

15 “**SECTION 1812p.** 77.54 (30) (a) 3. of the statutes is amended to read:

16 77.54 (30) (a) 3. Electricity sold ~~during the months of November, December,~~
17 ~~January, February, March and April~~ for use in farming, including but not limited to
18 agriculture, dairy farming, floriculture and horticulture.”.

19 **640.** Page 953, line 21: after that line insert:

20 “**SECTION 1812s.** 77.51 (9) (e) of the statutes is amended to read:

21 77.51 (9) (e) An auction which is the sale of personal farm property or household
22 goods and not held ~~at regular intervals~~ more than 5 times at the same location during
23 a year.”.

24 **641.** Page 953, line 21: after that line insert:

1 **“SECTION 1812Lb.** 77.54 (20) (c) 4m. of the statutes is created to read:

2 77.54 **(20)** (c) 4m. Taxable sales do not include food and beverage items under
3 pars. (b) 4. and (c) 2., and disposable products that are transferred with such items,
4 that are provided by a restaurant to the restaurant’s employe during the employe’s
5 work hours.”.

6 **642.** Page 953, line 21: after that line insert:

7 **“SECTION 1812Lm.** 77.51 (4) (c) 6. of the statutes is repealed.

8 **SECTION 1812Ln.** 77.52 (2) (a) 1. of the statutes is amended to read:

9 77.52 **(2)** (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers,
10 motel operators and other persons furnishing accommodations that are available to
11 the public, irrespective of whether membership is required for use of the
12 accommodations, ~~including the furnishing of rooms or lodging through the sale of a~~
13 ~~time-share property, as defined in s. 707.02 (32),~~ if the use of the rooms or lodging
14 is not fixed at the time of sale as to the starting day or the lodging unit. In this
15 subdivision, “transient” means any person residing for a continuous period of less
16 than one month in a hotel, motel or other furnished accommodations available to the
17 public. In this subdivision, “hotel” or “motel” means a building or group of buildings
18 in which the public may obtain accommodations for a consideration, including,
19 without limitation, such establishments as inns, motels, tourist homes, tourist
20 houses or courts, lodging houses, rooming houses, summer camps, apartment hotels,
21 resort lodges and cabins and any other building or group of buildings in which
22 accommodations are available to the public, except accommodations, including
23 mobile homes as defined in s. 66.058 (1) (d), rented for a continuous period of more
24 than one month and accommodations furnished by any hospitals, sanatoriums, or

1 nursing homes, or by corporations or associations organized and operated
2 exclusively for religious, charitable or educational purposes provided that no part of
3 the net earnings of such corporations and associations inures to the benefit of any
4 private shareholder or individual. In this subdivision, “one month” means a calendar
5 month or 30 days, whichever is less, counting the first day of the rental and not
6 counting the last day of the rental.

7 **SECTION 1812Lp.** 77.52 (2) (a) 2. of the statutes is amended to read:

8 77.52 (2) (a) 2. The sale of admissions to amusement, athletic, entertainment
9 or recreational events or places except county fairs, the sale, rental or use of regular
10 bingo cards, extra regular cards, special bingo cards and the sale of bingo supplies
11 to players and the furnishing, for dues, fees or other considerations, the privilege of
12 access to clubs or the privilege of having access to or the use of amusement,
13 entertainment, athletic or recreational devices or facilities, including, ~~in connection~~
14 ~~with the sale or use of time-share property, as defined in s. 707.02 (32),~~ the sale or
15 furnishing of use of recreational facilities on a periodic basis or other recreational
16 rights, including but not limited to membership rights, vacation services and club
17 memberships.”.

18 **643.** Page 953, line 21: after that line insert:

19 **SECTION 1812np.** 77.54 (20) (c) 6. of the statutes is amended to read:

20 77.54 (20) (c) 6. For purposes of subd. 1., “premises” shall be construed broadly,
21 and, by way of illustration but not limitation, shall include the lobby, aisles and
22 auditorium of a theater or the seating, aisles and parking area of an arena, rink or
23 stadium or the parking area of a drive-in or outdoor theater. The premises of a
24 caterer with respect to catered meals or beverages shall be the place where served.

1 ~~Vending machine premises shall include the room or area in which located~~ Sales from
2 a vending machine shall be considered sales for off-premises consumption.”.

3 **644.** Page 953, line 21: after that line insert:

4 “**SECTION 1814i.** 77.51 (21m) of the statutes is amended to read:

5 77.51 **(21m)** “Telecommunications services” means sending messages and
6 information transmitted through the use of local, toll and wide-area telephone
7 service; channel services; telegraph services; teletypewriter; computer exchange
8 services; cellular mobile telecommunications service; specialized mobile radio;
9 stationary two-way radio; paging service; or any other form of mobile and portable
10 one-way or two-way communications; or any other transmission of messages or
11 information by electronic or similar means between or among points by wire, cable,
12 fiber optics, laser, microwave, radio, satellite or similar facilities.
13 “Telecommunications services” does not include sending collect telecommunications
14 that are received outside of the state. In this subsection, “computer exchange
15 services” does not include providing access to or use of the internet. In this
16 subsection, “internet” means interconnecting networks that are connected to
17 network access points by telecommunications services.”.

18 **645.** Page 956, line 3: after that line insert:

19 “**SECTION 1817b.** 77.92 (4) of the statutes is amended to read:

20 77.92 **(4)** “Net business income”, with respect to a partnership, means taxable
21 income as calculated under section 703 of the internal revenue code; plus the items
22 of income and gain under section 702 of the internal revenue code; minus the items
23 of loss and deduction under section 702 of the internal revenue code; plus payments
24 treated as not made to partners under section 707 (a) of the internal revenue code;

1 plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds),
2 (2dx) ~~and, (2dy)~~, (3s) ~~and (5r)~~; but excluding income, gain, loss and deductions from
3 farming. “Net business income”, with respect to a natural person, estate or trust,
4 means profit from a trade or business for federal income tax purposes and includes
5 net income derived as an employe as defined in section 3121 (d) (3) of the internal
6 revenue code.”.

7 **646.** Page 956, line 6: on lines 6 and 18, delete “98.25%” and substitute
8 “97.45%”.

9 **647.** Page 958, line 14: after that line insert:

10 “**SECTION 1818Lm.** 81.01 (3) (b) of the statutes is amended to read:

11 81.01 (3) (b) The town board by resolution submits to the electors of the town
12 as a referendum at a ~~general or special town~~ an election authorized under s. 8.065
13 the question of exceeding the \$10,000 limit set under this subsection. The board shall
14 abide by the majority vote of the electors of the town on the question. The question
15 shall read as follows:

16 Shall the town of ... spend \$... over the annual limit of \$10,000 for the
17 construction and repair of its highways and bridges?

18 FOR SPENDING AGAINST SPENDING .

19 **648.** Page 958, line 14: after that line insert:

20 “**SECTION 1818Lb.** 79.10 (11) (b) of the statutes is amended to read:

21 79.10 (11) (b) Before October 16, the department of administration shall
22 determine the total funds available for distribution under the lottery credit in the
23 following year and shall inform the joint committee on finance of that total. Total
24 funds available for distribution shall be all existing and projected lottery proceeds

1 and interest for the fiscal year of the distribution, ~~less the amount estimated to be~~
2 ~~expended under ss. 20.455 (2) (r), 20.566 (2) (r) and 20.835 (2) (q)~~ and less the
3 required reserve under s. 20.003 (5). The joint committee on finance may revise the
4 total amount to be distributed if it does so at a meeting that takes place before
5 November 1. If the joint committee on finance does not schedule a meeting to take
6 place before November 1, the total determined by the department of administration
7 shall be the total amount estimated to be distributed under the lottery credit in the
8 following year.

9 **SECTION 1818Lb.** 79.10 (11) (b) of the statutes, as affected by 1999 Wisconsin
10 Act (this act), is repealed and recreated to read:

11 79.10 **(11)** (b) Before October 16, the department of administration shall
12 determine the total funds available for distribution under the lottery credit in the
13 following year and shall inform the joint committee on finance of that total. Total
14 funds available for distribution shall be all existing and projected lottery proceeds
15 and interest for the fiscal year of the distribution, less the amount estimated to be
16 expended under ss. 20.455 (2) (r), 20.566 (2) (r) and 20.835 (2) (q) and less the
17 required reserve under s. 20.003 (5). The joint committee on finance may revise the
18 total amount to be distributed if it does so at a meeting that takes place before
19 November 1. If the joint committee on finance does not schedule a meeting to take
20 place before November 1, the total determined by the department of administration
21 shall be the total amount estimated to be distributed under the lottery credit in the
22 following year.”.

23 **649.** Page 958, line 14: after that line insert:

24 **“SECTION 1818Ld.** 79.13 of the statutes is created to read:

1 **79.13 Farmland tax relief credit. (1)** In the 1999–2000 fiscal year, the
2 amount estimated to be expended from the appropriation under s. 20.835 (2) (q) is
3 \$20,000,000.

4 **(2)** In the 2000–01 fiscal year, the amount estimated to be expended from the
5 appropriation under s. 20.835 (2) (q) is \$20,000,000, plus the amount that was
6 estimated to be expended from the appropriation under s. 20.835 (2) (q) in the
7 previous fiscal year and less the actual amount that was expended from the
8 appropriation under s. 20.835 (2) (q) in the previous fiscal year.

9 **(3)** In the 2001–02 fiscal year, and in each fiscal year thereafter, the amount
10 estimated to be expended from the appropriation under s. 20.835 (2) (q) is
11 \$15,000,000, plus the amount that was estimated to be expended from the
12 appropriation under s. 20.835 (2) (q) in the previous fiscal year and less the actual
13 amount that was expended from the appropriation under s. 20.835 (2) (q) in the
14 previous fiscal year.”.

15 **650.** Page 958, line 14: after that line insert:

16 “**SECTION 1818Le.** 78.55 (1) of the statutes is amended to read:

17 78.55 (1) “Air carrier company” has the meaning given in s. ~~76.02(1)~~ 70.11
18 (40).”.

19 **651.** Page 958, line 19: after that line insert:

20 “**SECTION 1818w.** 84.013 (3) (ra) of the statutes is created to read:

21 84.013 (3) (ra) STH 23 between STH 67 and USH 41 in Sheboygan and Fond
22 du Lac counties.”.

23 **652.** Page 958, line 19: after that line insert:

24 “**SECTION 1818p.** 84.01 (31) of the statutes is created to read:

1 **84.01 (31)** STATE HIGHWAY REHABILITATION FUNDS. The department may not use
2 funds from the appropriations under s. 20.395 (3) (cq) to (cx) for the maintenance or
3 replacement of curb and pavement or other markings, or for the operation,
4 maintenance or replacement of highway signs, traffic signals or highway lighting,
5 unless the maintenance, replacement or operation is in conjunction with activities
6 related to a state trunk highway reconditioning, reconstruction or resurfacing
7 project.”.

8 **653.** Page 958, line 19: after that line insert:

9 “**SECTION 1818r.** 84.013 (2) (a) of the statutes is amended to read:

10 84.013 (2) (a) Major Subject to s. 86.255, major highway projects shall be
11 funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and 20.866
12 (2) (ur) to (uu).

13 **SECTION 1818t.** 84.013 (2) (b) of the statutes is amended to read:

14 84.013 (2) (b) Reconditioning Subject to s. 86.255, reconditioning,
15 reconstruction and resurfacing of highways shall be funded from the appropriations
16 under s. 20.395 (3) (cq) to (cx).”.

17 **654.** Page 959, line 17: after that line insert:

18 “**SECTION 1819gd.** 84.06 (2) (a) of the statutes is renumbered 84.06 (2) and
19 amended to read:

20 84.06 (2) BIDS, CONTRACTS. All such highway improvements shall be executed
21 by contract based on bids unless the department finds that another method as
22 provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be
23 advertised for in the manner determined by the department. Except as provided in
24 s. 84.075, the contract shall be awarded to the lowest competent and responsible

1 bidder as determined by the department. If the bid of the lowest competent bidder
2 is determined by the department to be in excess of the estimated reasonable value
3 of the work or not in the public interest, all bids may be rejected. The department
4 shall, so far as reasonable, follow uniform methods of advertising for bids and may
5 prescribe and require uniform forms of bids and contracts. ~~Except as provided in par-~~
6 ~~(b), the~~ The secretary shall enter into the contract on behalf of the state. Every such
7 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
8 ss. 16.528, 16.752 and 16.754 apply to the contract. Contracts under this section are
9 subject to s. 85.017. Any such contract involving an expenditure of \$1,000 or more
10 shall not be valid until approved by the governor. The secretary may require the
11 attorney general to examine any contract and any bond submitted in connection with
12 the contract and report on its sufficiency of form and execution. The bond required
13 by s. 779.14 (1m) is exempt from approval by the governor and shall be subject to
14 approval by the secretary. This subsection also applies to contracts with private
15 contractors based on bids for maintenance under s. 84.07.

16 **SECTION 1819ge.** 84.06 (2) (b) of the statutes is repealed.”.

17 **655.** Page 959, line 17: after that line insert:

18 “**SECTION 1819g.** 84.02 (14) of the statutes is created to read:

19 **84.02 (14)** I 39 INTERCHANGE. If a waiver from the federal department of
20 transportation is required for the construction of an interchange at the intersection
21 of I 39 and Kowalski Road in Marathon County, the state department of
22 transportation shall request a waiver to permit construction of the interchange. If
23 a waiver is granted or if the state department of transportation determines that a
24 waiver is not required, the department of transportation shall design the

1 interchange specified in this subsection and allocate funds from the appropriations
2 under s. 20.395 (3) (cq) to (cx) sufficient to construct the interchange.”.

3 **656.** Page 959, line 17: after that line insert:

4 “**SECTION 1819gg.** 84.03 (9) (a) of the statutes is amended to read:

5 84.03 (9) (a) ~~That~~ Subject to s. 86.255, that part of the appropriation made by
6 s. 20.395 (3), not required for the other purposes therein provided, may be used by
7 the department for the improvement and traffic service of the state trunk highway
8 system and connecting highways, for the purchase and operation of equipment,
9 making surveys for locating local road materials, testing of materials, and for other
10 purposes provided in this section, and to match or supplement federal aid for the
11 construction, reconstruction or improvement of the federal aid highway system,
12 secondary or feeder roads, the elimination of hazards at railroad grade crossings and
13 for any other highway purpose for which the state may match or supplement federal
14 aid funds pursuant to any act of congress. Where such funds are used for the
15 improvement of the state trunk highway system or connecting highways or to match
16 or supplement federal aid they shall be expended in accordance with s. 84.06 and any
17 applicable act of congress. Any funds expended pursuant to this paragraph shall be
18 expended by the department on such projects within the provisions of this
19 paragraph, and executed in such manner as the department shall from time to time
20 determine will best meet the needs of travel and best promote the general welfare.
21 Such funds may be used for improvements, within the provisions of this paragraph,
22 independent of or in conjunction with other funds available for such improvements.
23 ~~The~~ Subject to s. 86.255, the requirements of any federal highway act, or regulations
24 issued thereunder, may be met from such appropriation.

1 **SECTION 1819gm.** 84.065 (4) of the statutes is amended to read:

2 84.065 (4) FUNDS. The Subject to s. 86.255, the department may make loans
3 under this section from the appropriations under s. 20.395 (3) (bv) and (cv). The total
4 outstanding balance of loans under this section may not exceed \$500,000.”.

5 **657.** Page 961, line 19: after that line insert:

6 “**SECTION 1820mg.** 84.20 of the statutes is amended to read:

7 **84.20 State repair and maintenance of highways and streets.** Damage
8 to any county trunk or town highway or city or village street caused by reason of its
9 use as a detour designated by the department or for hauling materials incident to the
10 maintenance, repair or construction by the department of any state trunk highway
11 or street over which a state trunk highway is routed, shall be repaired by the
12 department. Such highway or street shall also be maintained by the department
13 during such use. The Subject to s. 86.255, the cost of such repairs and maintenance
14 shall be paid from funds appropriated and available to the department for the
15 maintenance and improvement of state trunk highways and connecting highways
16 under s. 20.395 (3).”.

17 **658.** Page 963, line 13: after that line insert:

18 “**SECTION 1824fm.** 84.31 (8) (b) of the statutes is amended to read:

19 84.31 (8) (b) The department and another state agency may enter into
20 agreements for the purpose of assigning to the other state agency the responsibility
21 for the administration of this section and rules adopted under this section. To the
22 extent responsibility for administration is assigned to the other agency under such
23 agreements, the other state agency shall have the same powers and duties conferred
24 on the department under this section. The department shall reimburse the other

1 state agency from the appropriation under s. 20.395 (3) (cq) and (cx) for all expenses,
2 including administrative expenses, incurred by the other state agency in connection
3 with the screening, relocation, removal or disposal of junkyards under the authority
4 assigned to the other state agency, except that no moneys may be reimbursed for the
5 acquisition of land or interests in land contrary to s. 86.255.”.

6 **659.** Page 964, line 5: delete “\$1,440,665,900” and substitute
7 “\$1,437,365,900”.

8 **660.** Page 964, line 10: after that line insert:

9 “**SECTION 1826m.** 85.017 of the statutes is created to read:

10 **85.017 Contracts conditioned on use of labor organizations**
11 **prohibited. (1)** In this section, “labor organization” has the meaning given in s.
12 5.02 (8m).

13 **(2)** The secretary shall ensure that the specifications for bids, contracts for
14 construction or maintenance projects entered into by the secretary or the
15 department do not do any of the following:

16 (a) Require any bidder, contractor or subcontractor to enter into or to adhere
17 to an agreement with any labor organization concerning services to be performed in
18 relation to the project or a related project.

19 (b) Discriminate against any bidder, contractor or subcontractor for refusing
20 to enter into or continue to adhere to an agreement with any labor organization
21 concerning services to be performed in relation to the project or a related project.

22 (c) Require any bidder, contractor or subcontractor to enter into, continue to
23 adhere to or enforce any agreement that requires its employes, as a condition of
24 employment, to do any of the following:

- 1 1. Become members of or become affiliated with a labor organization.
- 2 2. Make payments to a labor organization, without the authorization of the
- 3 employees, exceeding the employees' proportionate share of the cost of collective
- 4 bargaining, contract administration and grievance adjustment.

5 **(3)** Any taxpayer of this state or any other person who enters into contracts or
6 subcontracts for construction services subject to sub. (2) may bring an action against
7 the secretary to require compliance with this section. If that person prevails in his
8 or her action, the court shall award to that person reasonable actual attorney fees
9 in addition to other costs allowed to prevailing parties under ch. 814.”.

10 **661.** Page 964, line 11: delete the material beginning with that line and
11 ending with page 965, line 3.

12 **662.** Page 965, line 19: after that line insert:

13 “**SECTION 1830gb.** 85.026 (3) of the statutes is created to read:

14 85.026 **(3)** PROCEDURE. The department may not approve a grant under sub.
15 (2) until after enactment of the biennial budget act for the biennium during which
16 the grant will be awarded. The total amount of grants awarded under sub. (2) may
17 not exceed the amounts appropriated under s. 20.395 (2) (nv) and (nx) for the
18 purposes of transportation enhancement activities for the biennium during which
19 the grants are awarded. If the department determines that a grant was awarded
20 under sub. (2) for a project on which construction will not be completed within a
21 reasonable time after the grant is awarded, the department may withdraw that
22 grant and the amount of the grant so withdrawn may not be counted under this
23 subsection.”.

24 **663.** Page 965, line 19: after that line insert:

1 **“SECTION 1830gm.** 85.037 of the statutes is amended to read:

2 **85.037 Certification of fees collected.** Annually, no later than October 1,
3 the secretary of transportation shall certify to the secretary of administration the
4 amount of fees collected under s. ss. 101.9208 (1) (dm) and 342.14 (3m) during the
5 previous fiscal year, for the purpose of determining the amounts to be transferred
6 under s. 20.855 (4) (f) during the current fiscal year.”.

7 **664.** Page 967, line 7: after that line insert:

8 **“SECTION 1832m.** 85.197 of the statutes is created to read:

9 **85.197 Baraboo land acquisition. (1) DEFINITIONS.** In this section:

10 (a) “Ice Age Trail” means the state scenic trail as designated under s. 23.17 (2)
11 and includes corridors for the trail that have been approved by the department.

12 (b) “Land” means land in fee simple, easements in land and development rights
13 in land.

14 (c) “Northwestern Dane county” means the area that is located in the towns of
15 Berry, Black Earth, Dane, Mazomanie, Roxbury, Springfield and Westport.

16 **(2) LAND ACQUISITIONS AUTHORIZED.** From the appropriations under s. 20.395 (3)
17 (bq), (br) and (bx), the department may expend moneys as provided in subs. (3) to (6).

18 **(3) FOREST LAND ACQUISITIONS.** The department may annually encumber or
19 expend not more than \$1,000,000, beginning with fiscal year 1999–2000 and ending
20 with fiscal year 2003–04, to acquire land that will protect the forest resources that
21 are located within the boundaries of the Baraboo Range National Natural
22 Landmark.

23 **(4) SCENIC, CONSERVATION AND AGRICULTURAL ACQUISITION; DANE COUNTY.** (a) The
24 department may annually encumber or expend not more than \$1,000,000, beginning

1 with fiscal year 1999–2000 and ending with fiscal year 2003–04, to purchase land
2 that is located in northwestern Dane County for scenic, conservation or agricultural
3 purposes.

4 **(5) SCENIC, CONSERVATION AND AGRICULTURAL ACQUISITION; SAUK COUNTY.** The
5 department may encumber or expend not more than \$250,000 during the period
6 beginning with fiscal year 1999–2000 and ending with fiscal year 2003–04, to
7 purchase land that is located in Sauk County and that is located outside the
8 boundaries of the Baraboo Range National Natural Landmark for scenic,
9 conservation or agricultural purposes.

10 **(6) ICE AGE TRAIL.** (a) During the period beginning with fiscal year 1999–2000
11 and ending with fiscal year 2003–04, the department may encumber or expend
12 moneys for the development or improvement of the portion of the Ice Age Trail that
13 is located in Sauk County or Dane County and that is in the vicinity of USH 12. The
14 amount expended may not exceed \$2,000,000 or an amount equal to the amount
15 allocated by the federal government for that portion of the Ice Age Trail during that
16 period of time, whichever is less.

17 (b) For purposes of par. (a), the department of transportation shall by rule
18 specify what constitutes the vicinity of USH 12.

19 **(7) CERTIFICATION OF EXPENDITURES.** No later than August 1, 2000, and no later
20 than August 1 of each of the subsequent 4 years, the secretary of transportation shall
21 certify to the secretary of natural resources and to the secretary of administration
22 the amount encumbered or expended under s. 85.197 during the preceding fiscal
23 year.

24 **(8) SUNSET.** (a) Except as provided in par. (b), this section does not apply after
25 June 30, 2004.

1 (b) Subsection (7) does not apply after August 1, 2004.”

2 **665.** Page 967, line 12: delete “(a) 7.” and substitute “(a) 6. d., 7.”

3 **666.** Page 967, line 12: after that line insert ““Operating expenses” do not
4 include costs accruing to an urban mass transit system from services provided by a
5 publicly owned urban mass transit system under a contract awarded on the basis of
6 competitive bids unless the urban mass transit system’s bid used the fully allocated
7 cost methodology described in sub. (8).”.”

8 **667.** Page 967, line 24: after that line insert:

9 “**SECTION 1834m.** 85.20 (1) (h) of the statutes is amended to read:

10 85.20 (1) (h) “Operating revenues” mean income accruing to an urban mass
11 transit system by virtue of its operations, but do not include income accruing from
12 operations under a contract awarded on the basis of competitive bids to a publicly
13 owned urban mass transit system that did not use the fully allocated cost
14 methodology described in sub. (8).”.”

15 **668.** Page 967, line 24: after that line insert:

16 “**SECTION 1835b.** 85.20 (3) (cr) of the statutes is amended to read:

17 85.20 (3) (cr) To conduct a management performance audit of all urban mass
18 transit systems participating in the program at least once every 5 years. If a
19 management performance audit is required of all urban mass transit systems
20 participating in the program, an eligible applicant served exclusively by a
21 shared-ride taxicab system may be exempted from an audit if the eligible applicant
22 voluntarily complies with sub. (4m) (b).”.”

23 **669.** Page 967, line 25: delete the material beginning with that line and
24 ending with page 968, line 15, and substitute:

1 “**SECTION 1836mr.** 85.20 (4m) (a) (intro.) of the statutes is repealed and
2 recreated to read:

3 85.20 **(4m)** (a) (intro.) The department shall pay annually to the eligible
4 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The
5 department shall pay annually to the eligible applicant described in subd. 6. d. the
6 amount of aid determined under subd. 6. d. The department shall allocate to each
7 eligible applicant described in subd. 7. or 8. an amount equal to a uniform
8 percentage, established by the department, of the operating expenses of each eligible
9 applicant’s mass transit system for the calendar year. For calendar year 1999, the
10 operating expenses used to establish the uniform percentage shall be the projected
11 operating expenses of an urban mass transit system. Subject to sub. (4r), for
12 calendar year 2000 and thereafter the operating expenses used to establish the
13 uniform percentage shall be the operating expenses incurred during the 2nd
14 calendar year preceding the calendar year for which aid is paid under this section.
15 The department shall make allocations as follows:”.

16 **670.** Page 969, line 6: delete “\$53,555,600” and substitute “\$51,313,800”.

17 **671.** Page 969, line 14: delete “Beginning” and substitute “Subject to the
18 limitation in this subd. 6. d. on the sum of state and federal aids, beginning”.

19 **672.** Page 969, line 15: delete “\$14,297,600” and substitute “\$13,699,100”.

20 **673.** Page 969, line 18: after “\$80,000,000.” insert “Notwithstanding par. (a)
21 (intro.), the sum of state aids paid under this section and federal mass transit aids
22 provided for the operating expenses of an urban mass transit system that has annual
23 operating expenses in excess of \$20,000,000 but less than \$80,000,000 may not
24 exceed 50% of the sum of the operating expenses of the urban mass transit system.

1 Only federal mass transit aid that the federal government provides directly to the
2 eligible applicant or to the urbanized area served by the mass transit system or that
3 the department pays under this section may be counted under this subd. 6. d.”.

4 **674.** Page 969, line 25: delete “\$19,804,200” and substitute “\$18,975,200”.

5 **675.** Page 970, line 2: after “year.” insert “For calendar years 2000 and 2001,
6 the sum of state aid and federal aid allocated under this subdivision for each of those
7 years may not exceed 60% of the eligible applicant’s operating expenses, except that
8 for an eligible applicant described in subd. 7. a. served by a mass transit system that
9 operates partly in areas other than urbanized areas, and that is eligible for federal
10 mass transit aid for providing service to those other areas, the sum of state aid and
11 federal aid allocated under this subdivision for those other areas for each of calendar
12 years 2000 and 2001 may not exceed 65% of the operating expenses of that service.
13 Beginning with calendar year 2002, the sum of state aid and federal aid allocated
14 under this subdivision to an eligible applicant may not exceed 65% of the eligible
15 applicant’s operating expenses.”.

16 **676.** Page 970, line 6: delete “\$5,349,100” and substitute “\$5,125,200”.

17 **677.** Page 970, line 8: after “year.” insert Beginning with calendar year 2000,
18 the sum of state aid and federal aid allocated under this subdivision to an eligible
19 applicant may not exceed 65% of the eligible applicant’s operating expenses.”.

20 **678.** Page 970, line 8: after that line insert:

21 “**SECTION 1845b.** 85.20 (4m) (b) 1. of the statutes is amended to read:

22 85.20 (4m) (b) 1. Except as provided in subd. 2., each eligible applicant shall
23 provide a local contribution, exclusive of user fees, toward operating expenses in an

1 amount equal to at least ~~20%~~ of state aid allocations to that eligible applicant under
2 this section 10% of the eligible applicant's operating expenses.

3 **SECTION 1846b.** 85.20 (4m) (b) 2. of the statutes is amended to read:

4 85.20 **(4m)** (b) 2. ~~Subdivision 1. does not apply to an~~ Except as provided in this
5 subdivision, an eligible applicant that is served exclusively by a shared-ride taxicab
6 system is not required to meet the requirements of subd. 1. For calendar year 2000,
7 the department may not increase the amount of state aid allocated under this
8 subsection to an eligible applicant that is served exclusively by a shared-ride taxicab
9 system beyond the amount allocated to that eligible applicant for calendar year 1999,
10 unless the eligible applicant provides a local contribution, exclusive of user fees,
11 toward operating expenses in an amount equal to at least 5% of the eligible
12 applicant's operating expenses. Beginning with calendar year 2001, the department
13 may not increase the amount of state aid allocated under this subsection to an
14 eligible applicant that is served exclusively by a shared-ride taxicab system beyond
15 the amount allocated to that eligible applicant during the preceding calendar year,
16 unless the eligible applicant complies with the requirements of subd. 1. This
17 subdivision does not prohibit the department from allocating aid under this
18 subsection to an eligible applicant served exclusively by a shared-ride taxicab
19 system in its first year of service.

20 **SECTION 1847b.** 85.20 (4m) (em) 3. of the statutes is amended to read:

21 85.20 **(4m)** (em) 3. Five times the amount of an eligible applicant's required
22 local contribution under par. (b) 1. This subdivision does not apply after December
23 31, 1999."

24 **679.** Page 970, line 8: after that line insert:

1 “**SECTION 3845m.** 85.20 (4m) (g) of the statutes is created to read:

2 85.20 **(4m)** (g) An eligible applicant may not use aids paid under this section
3 to support transportation services by rail unless the services are eligible for aid
4 under s. 85.205. This paragraph does not apply to Amtrak, as defined in s. 85.06 (1)
5 (a).”.

6 **680.** Page 971, line 9: delete the material beginning with “This” and ending
7 with “or 8.” on line 10.

8 **681.** Page 971, line 10: after that line insert:

9 “**SECTION 1849d.** 85.20 (6m) of the statutes is created to read:

10 85.20 **(6m)** LOCAL SEGREGATED FUND REQUIRED. (a) Notwithstanding sub. (4m),
11 the department may not pay state aid under this section to an eligible applicant
12 unless the eligible applicant does all of the following:

13 1. Establishes and administers a separate segregated fund from which moneys
14 may be used only for purposes related to a mass transit system.

15 2. Deposits in the fund established under subd. 1. all of the following:

16 a. All moneys received from this state and from the federal government for a
17 mass transit system.

18 b. All local moneys required by this state, or by the federal government, to
19 match moneys described under subd. 2. a. as a condition of receiving or expending
20 those state or federal moneys.

21 c. All local moneys allocated for a mass transit system by the eligible applicant.

22 d. All moneys received from a local revenue source that is dedicated to a mass
23 transit system.

1 3. Achieves in the fund established under subd. 1., during the year for which
2 aid is payable under this section, a balance of moneys that is at least equal to the
3 quotient determined under subd. 3. c. as follows:

4 a. Determine, for each of the preceding 5 years, the annual sum of deposits,
5 made by the eligible applicant, of moneys described in subd. 2. c.

6 b. Add the 3 lowest annual totals determined under subd. 3. a.

7 c. Divide the sum determined under subd. 3. b. by 3.

8 (b) If an eligible applicant does not meet the requirements under par. (a) at the
9 time that aid should be paid under this section, the department shall withhold the
10 aid payment until the eligible applicant meets the requirements under par. (a).
11 When the eligible applicant meets the requirements under par. (a), the department
12 shall pay the aid withheld under this paragraph, without interest, except that, if the
13 eligible applicant fails to meet the requirements under par. (a) within 180 days after
14 the time that the aid should be paid, that aid is forfeited and may not be paid to that
15 eligible applicant. Aid that is forfeited under this paragraph shall be counted under
16 this section as if the aid had been paid.

17 (c) The department shall promulgate rules implementing this subsection.”.

18 **682.** Page 971, line 16: after that line insert:

19 “**SECTION 1849gm.** 85.20 (8) of the statutes is created to read:

20 **85.20 (8) FULLY ALLOCATED COST BIDDING.** (intro.) If a local public body solicits
21 bids to contract for services, the bids of a publicly owned urban mass transit system
22 shall use a fully allocated cost methodology established by the department by rule.
23 The fully allocated cost methodology shall do all of the following:

24 (a) Be based on generally accepted accounting principles.

1 (b) Consider all shared costs and direct costs of the mass transit system that
2 are related to and support the service being considered. A publicly owned urban
3 mass transit system's costs include all subsidies provided to the system, including
4 operating subsidies, capital grants and the use of public facilities.

5 (c) Assign each cost of a publicly owned urban mass transit system to one of the
6 following categories:

7 1. Costs that depend on the number of vehicle hours operated, including
8 operators' salaries and fringe benefits.

9 2. Costs that depend on the number of vehicle miles traveled, including fuel
10 costs, maintenance costs and maintenance personnel salaries and fringe benefits.

11 3. Costs that depend on the maximum number of vehicles that are in service
12 during the day, including administrative and capital costs.”.

13 **683.** Page 971, line 16: after that line insert:

14 “**SECTION 1849m.** 85.205 of the statutes is created to read:

15 **85.205 Prohibited expenditures for transportation by rail. (1)**

16 Notwithstanding s. 85.20 (3), the department may not pay state aids for
17 transportation services provided by rail unless the transportation services by rail are
18 being constructed on the effective date of this subsection [revisor inserts date],
19 and are providing services on or before April 1, 2000. This subsection does not apply
20 to Amtrak, as defined in s. 85.06 (1) (a).

21 **(2)** Notwithstanding ss. 85.022, 85.062 and 85.063, the department may not
22 expend any state funds for any purpose related to light rail. This subsection does not
23 apply to any light rail system that is being constructed on the effective date of this
24 subsection [revisor inserts date].”.

1 **684.** Page 972, line 10: after that line insert:

2 “**SECTION 1852g.** 85.243 (2) (a) of the statutes is amended to read:

3 85.243 (2) (a) The Subject to par. (am). the department shall administer a
4 surface transportation discretionary grants program to promote the development
5 and implementation of surface transportation projects that foster the diverse
6 transportation needs of the people of this state. Annually, the department may make
7 grants to eligible applicants for surface transportation projects that promote
8 nonhighway use or that otherwise supplement existing transportation activities. A
9 grant may not exceed 80% of the total cost of a project. The department shall give
10 priority to funding projects that foster alternatives to single-occupancy automobile
11 trips. In deciding whether to award a grant under this section, the department may
12 consider whether other funding sources are available for the proposed project.

13 **SECTION 1852gd.** 85.243 (2) (am) of the statutes is created to read:

14 85.243 (2) (am) The department may not approve a grant under par. (a) until
15 after enactment of the biennial budget act for the biennium during which the grant
16 will be awarded. The total amount of grants awarded under par. (a) may not exceed
17 the amounts appropriated under s. 20.395 (2) (jq), (jv) and (jx) for the biennium
18 during which the grants are awarded. If the department determines that a grant was
19 awarded under par. (a) for a project on which construction will not be completed
20 within a reasonable time after the grant is awarded, the department may withdraw
21 that grant and the amount of the grant so withdrawn may not be counted under this
22 paragraph.”.

23 **685.** Page 974, line 24: after that line insert:

24 “**SECTION 1855t.** 86.21 (2) (a) of the statutes is amended to read:

1 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
2 section, a resolution authorizing the construction or acquisition thereof, and
3 specifying the method of payment therefor, shall be adopted by a majority of the
4 members of the governing body of such county, town, village or city at a regular
5 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
6 resolution shall include a general description of the property it is proposed to acquire
7 or construct. Any county, town, village or city constructing or acquiring a toll bridge
8 under this section may provide for the payment of the same or any part thereof from
9 the general fund, from taxation, or from the proceeds of either municipal bonds,
10 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
11 until 15 days after its passage and publication. If within said 15 days a petition
12 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality
13 signed by at least 20% of the electors thereof requesting that the question of
14 acquiring such toll bridge be submitted to the said electors, such question shall be
15 submitted at any ~~general or regular municipal~~ the next election authorized under s.
16 8.065 (2) or an election authorized under s. 8.065 (3) that ~~may be~~ is held not less
17 sooner than 10 nor more than 40 45 days from the date of filing such petition. ~~In case~~
18 ~~no such general or regular municipal election is to be held within such stated period,~~
19 ~~then the governing body of such municipality shall order a special election to be held~~
20 ~~within 30 days from the filing of such petition upon the question of whether such toll~~
21 ~~bridge shall be acquired by said municipality.~~ The question submitted to the electors
22 shall specify the method of payment for such toll bridge as provided in the resolution
23 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast
24 at such referendum election are in favor of the acquisition of such toll bridge, then

1 the resolution of the governing body for the acquisition of such toll bridge shall be in
2 effect.”.

3 **686.** Page 974, line 24: after that line insert:

4 “**SECTION 1855rm.** 86.255 of the statutes is created to read:

5 **86.255 Limitation on moneys used to purchase land remote from**
6 **highway project. (1)** Notwithstanding ss. 84.09 and 86.25, beginning with
7 purchase contracts executed on the effective date of this subsection [revisor
8 inserts date], and with relocation orders initially filed under ch. 32 on the effective
9 date of this subsection [revisor inserts date], the department may not encumber
10 or expend any moneys from the appropriations under s. 20.395 (3) for purposes
11 related to the purchase of land, easements, or development rights in land, unless the
12 land or interest in land is purchased in association with a highway improvement
13 project and the land or interest in land is located within one-quarter mile of the
14 centerline or proposed centerline of the highway.

15 **(2)** Subsection (1) does not apply to any of the following:

16 (a) The purchase of any land that is acquired as compensatory mitigation for
17 another wetland, as defined in s. 23.32 (1), that will suffer an adverse impact by
18 degradation or destruction as part of a highway project.

19 (b) The purchase of any land, easements, or development rights in land, under
20 an agreement executed in the name of the department before the effective date of this
21 paragraph [revisor inserts date], or under a relocation order filed under ch. 32
22 before the effective date of this paragraph [revisor inserts date].”.

23 **687.** Page 975, line 1: delete “, sub. (10)”.

24 **688.** Page 975, line 11: after “2000” insert “and thereafter”.

1 **689.** Page 975, line 12: delete lines 12 and 13.

2 **690.** Page 975, line 17: after “1999,” insert “and”.

3 **691.** Page 975, line 18: delete “\$84,303,700 in calendar year 2001 and”.

4 **692.** Page 975, line 24: after “1999,” insert “and”.

5 **693.** Page 975, line 25: delete “\$265,229,400 in calendar year 2001 and”.

6 **694.** Page 976, line 3: delete lines 3 to 23.

7 **695.** Page 976, line 23: after that line insert:

8 “**SECTION 1863md.** 86.30 (11) of the statutes is created to read:

9 **86.30 (11) LOCAL SEGREGATED FUND REQUIRED.** (a) Notwithstanding sub. (2), the
10 department may not pay state aid under this section to a municipality or county
11 unless the municipality or county does all of the following:

12 1. Establishes and administers a separate segregated fund from which moneys
13 may be used only for purposes related to local highways.

14 2. Deposits in the fund established under subd. 1. all of the following:

15 a. All moneys received from this state and from the federal government for local
16 highway purposes.

17 b. All local moneys required by this state, or by the federal government, to
18 match moneys described under subd. 2. a. as a condition of receiving or expending
19 those state or federal moneys.

20 c. All local moneys allocated for local highway purposes by the local governing
21 body.

22 d. All moneys received from a local revenue source that is dedicated to local
23 highways.

1 3. Achieves in the fund established under subd. 1., during the year for which
2 aid is payable under this section, a balance of moneys that is at least equal to the
3 quotient determined under subd. 3. c. as follows:

4 a. Determine, for each of the preceding 5 years, the annual sum of deposits,
5 made by the municipality or county, of moneys described in subd. 2. c.

6 b. Add the 3 lowest annual totals determined under subd. 3. a.

7 c. Divide the sum determined under subd. 3. b. by 3.

8 (b) If a municipality or county does not meet the requirements under par. (a)
9 at the time that aid should be paid under this section, the department shall withhold
10 the aid payment until the municipality or county meets the requirements under par.

11 (a). When the municipality or county meets the requirements under par. (a), the
12 department shall pay the aid withheld under this paragraph, without interest,
13 except that, if the municipality or county fails to meet the requirements under par.

14 (a) within 180 days after the time that the aid should be paid, that aid is forfeited and
15 may not be paid to that municipality or county. Aid that is forfeited under this
16 paragraph shall be counted under sub. (2) as if the aid had been paid.

17 (c) The department shall promulgate rules implementing this subsection.”.

18 **696.** Page 978, line 13: before “The department” insert “Not later than
19 December 15, 2001, and biennially thereafter, each municipality and county shall
20 assess the physical condition of highways under its jurisdiction, using a pavement
21 rating system approved by the department and report the results of that assessment
22 to the department.”.

23 **697.** Page 978, line 13: after “mileage” insert “or other data concerning
24 highways”.

1 **698.** Page 978, line 15: delete “mileage” and substitute “data”.

2 **699.** Page 978, line 17: delete “jurisdictional mileage” and substitute
3 “jurisdictional mileage”.

4 **700.** Page 978, line 18: delete “determination efforts” and substitute
5 “determination efforts under this subsection”.

6 **701.** Page 978, line 19: delete “years.” and substitute “years Information
7 collected under this subsection is inadmissible as evidence, except to show
8 compliance with this subsection.”.

9 **702.** Page 979, line 25: after that line insert:

10 “**SECTION 1875d.** 86.31 (2) (b) of the statutes is amended to read:

11 86.31 **(2)** (b) Except as provided in par. (d), improvements for highway
12 construction projects funded under the program shall be under contracts. ~~Such~~ The
13 contracts are subject to ss. 59.52 (29) (c), 60.47 (5m), 61.55 (3) and 62.15 (15). The
14 contracts shall be awarded on the basis of competitive bids and shall be awarded to
15 the lowest responsible bidder. If a city, ~~village or town~~ or village does not receive a
16 responsible bid for an improvement, the city, ~~village or town~~ or village may contract
17 with a county for the improvement. A town may contract with a county for the
18 improvement subject to the criteria and procedures promulgated as rules under sub.
19 (6) (h)”.

20 **703.** Page 979, line 25: after that line insert:

21 “**SECTION 1875cb.** 86.31 (1) (am) of the statutes is amended to read:

22 86.31 **(1)** (am) “County highway improvement program district committee”
23 means a committee established by the department by rule under sub. (6) (f)
24 consisting of ~~not more than 5 county executives or county board chairpersons in~~

1 ~~counties that do not have county executives, or their designees, all of the county~~
2 ~~highway commissioners~~ from counties within a county highway improvement
3 program district.

4 **SECTION 1875dc.** 86.31 (2) (d) 1. of the statutes is repealed.

5 **SECTION 1875dd.** 86.31 (2) (d) 1m. of the statutes is created to read:

6 86.31 (2) (d) 1m. The county highway department demonstrates that it is
7 cost-effective for it to perform the work and that competitive bidding is to be used
8 for improvements with an estimated total cost at least equal to the total funds
9 allocated for its county trunk highway improvements under the program during the
10 current biennium.

11 **SECTION 1875de.** 86.31 (2) (d) 2. of the statutes is repealed.

12 **SECTION 1875df.** 86.31 (2) (d) 3. of the statutes is repealed.

13 **SECTION 1875dg.** 86.31 (2) (d) 5. of the statutes is renumbered 86.31 (2) (d) 5.
14 (intro.) and amended to read:

15 86.31 (2) (d) 5. (intro.) Each county highway improvement program district
16 committee shall be responsible for ensuring compliance with this paragraph. do all
17 of the following with respect to any work to be performed by any county highway
18 department within the county highway improvement program district:

19 **SECTION 1875dh.** 86.31 (2) (d) 5. a. and b. of the statutes are created to read:

20 86.31 (2) (d) 5. a. Review the proposed work and determine that it is
21 cost-effective for the county highway department to perform the work.

22 b. Approve the proposed work prior to its being performed by the county
23 highway department.”.

24 **704.** Page 980, line 6: after that line insert:

1 “**SECTION 1876e.** 87.30 (1) (d) of the statutes is created to read:

2 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
3 an activity that meets all of the requirements under s. 281.165 (1) to (5), the
4 department may not proceed under this subsection, or otherwise review the
5 amendment, to determine whether the ordinance, as amended, is insufficient.”.

6 **705.** Page 980, line 6: after that line insert:

7 “**SECTION 1875gd.** 86.31 (6) (g) of the statutes is created to read:

8 86.31 (6) (g) Specific criteria for making determinations of cost–effectiveness
9 under sub. (2) (d) 5. a. and procedures for review by the department of disputes
10 relating to whether proposed work to be performed by a county highway department
11 is cost–effective for purposes of sub. (2) (d) 5. a.

12 **SECTION 1875ge.** 86.31 (6) (h) of the statutes is created to read:

13 86.31 (6) (h) Criteria and procedures for contracting with a county for a town
14 road improvement that includes at least all of the following:

15 1. A requirement that a written and sealed estimate of the cost of the
16 improvement that includes the source of the estimate be prepared prior to the time
17 set for the opening of bids for the improvement and not be opened until after the
18 opening of all bids.

19 2. A requirement that all bids may be rejected and the contract awarded to a
20 county for the improvement if the lowest bid exceeds the cost estimate under subd.

21 1. by at least 10% and the town board notifies the 2 lowest bidders or, if only one bid
22 was received, the bidder to provide information on the accuracy of the cost estimate
23 under subd. 1.

1 3. A requirement that the amount of the contract with a county for the
2 improvement be at least 10% below the lowest bid received for the improvement.

3 4. A provision that permits rebidding if the amount of the proposed contract
4 with a county for the improvement is less than 10% below the lowest bid received for
5 the improvement.”.

6 **706.** Page 980, line 6: after that line insert:

7 “**SECTION 1876b.** 88.11 (1) (f) of the statutes is amended to read:

8 88.11 (1) (f) Assist districts in applying for permits under ~~s. 88.31~~ chs. 30 and
9 31 from the department of natural resources.

10 **SECTION 1876m.** 88.11 (1) (i) of the statutes is amended to read:

11 88.11 (1) (i) Establish, by rule, performance standards for drainage district
12 structures, ditches, maintenance and operations, in order to minimize adverse
13 effects on water quality. ~~The performance standards shall be consistent with any~~
14 ~~requirements imposed by the department of natural resources under s. 88.31.”.~~

15 **707.** Page 980, line 11: substitute “60%” for “40%”.

16 **708.** Page 980, line 17: substitute “2006” for “2004”.

17 **709.** Page 980, line 17: after that line insert:

18 “**SECTION 1909m.** 92.05 (3) (L) of the statutes is created to read:

19 92.05 (3) (L) *Technical assistance; performance standards.* The department
20 shall provide technical assistance to county land conservation committees and local
21 units of government for the development of ordinances that implement standards
22 adopted under s. 92.07 (2), 92.105 (1), 92.15 (2) or (3) or 281.16 (3). The department’s
23 technical assistance shall include preparing model ordinances, providing data

1 concerning the standards and reviewing draft ordinances to determine whether the
2 draft ordinances comply with applicable statutes and rules.”.

3 **710.** Page 980, line 17: after that line insert:

4 “**SECTION 1877c.** 88.31 (title) of the statutes is amended to read:

5 **88.31** (title) ~~Special procedure in cases affecting~~ Drainage work in
6 navigable waters.

7 **SECTION 1877d.** 88.31 (1) to (7) of the statutes are repealed.

8 **SECTION 1877e.** 88.31 (8) (intro.) of the statutes is amended to read:

9 88.31 **(8)** (intro.) Subject to other restrictions imposed by this chapter, a
10 drainage board which has obtained a permit under this chapter all of the permits
11 required under chs. 30 and 31 may:

12 **SECTION 1877f.** 88.35 (5m) of the statutes is repealed.

13 **SECTION 1877h.** 88.35 (6) (intro.) of the statutes is amended to read:

14 88.35 **(6)** (intro.) Upon the completion of its duties under subs. (1) to ~~(5m)~~ (5),
15 the board shall prepare a written report, including a copy of any maps, plans or
16 profiles that it has prepared. The assessment of benefits and awards of damages
17 shall be set forth in substantially the following form:

18 **SECTION 1877j.** 88.62 (3) of the statutes is amended to read:

19 88.62 **(3)** If drainage work is undertaken in navigable waters, the drainage
20 board shall obtain a permit under ~~s. 30.20 or 88.31 or ch. 31, as directed by the~~
21 ~~department of natural resources~~ any permit that is required under ch. 30 or 31.

22 **SECTION 1877m.** 88.72 (3) of the statutes is amended to read:

23 88.72 **(3)** At the hearing on the petition, any interested person may appear and
24 contest its sufficiency and the necessity for the work. If the drainage board finds that

1 the petition has the proper number of signers and that to afford an adequate outlet
2 it is necessary to remove dams or other obstructions from waters and streams which
3 may be navigable, or to straighten, clean out, deepen or widen any waters or streams
4 either within or beyond the limits of the district, the board shall ~~file an application~~
5 ~~with the department of natural resources as provided in s. 30.20 or 88.31, as directed~~
6 ~~by the department of natural resources. Thereafter, proceedings shall be had as~~
7 ~~provided in s. 30.20 or 88.31 insofar as the same is applicable~~ obtain any permit that
8 is required under ch. 30 or 31.

9 **SECTION 1877p.** 88.72 (4) of the statutes is amended to read:

10 **88.72 (4)** Within 30 days after the department of natural resources has issued
11 ~~a permit under s. 30.20 or 88.31~~ all of the permits as required under chs. 30 and 31,
12 the board shall proceed to estimate the cost of the work, including the expenses of
13 the proceeding together with the damages that will result from the work, and shall,
14 within a reasonable time, award damages to all lands damaged by the work and
15 assess the cost of the work against the lands in the district in proportion to the
16 assessment of benefits then in force.”.

17 **711.** Page 980, line 17: after that line insert:

18 **“SECTION 1903.** 91.75 (1) of the statutes is repealed and recreated to read:

19 91.75 (1) A minimum lot size is specified.”.

20 **712.** Page 992, line 9: delete “amount”.

21 **713.** Page 992, line 10: delete lines 10 and 11 and substitute “person is
22 licensed under sub. (3).”.

23 **714.** Page 992, line 16: delete that line and substitute “grows nursery stock
24 for sale.”.

1 **715.** Page 992, line 17: delete lines 17 to 19.

2 **716.** Page 992, line 20: delete that line and substitute ““Nursery” does not”.

3 **717.** Page 992, line 23: delete “or Christmas”.

4 **718.** Page 992, line 24: delete “tree grower”.

5 **719.** Page 993, line 10: delete that line.

6 **720.** Page 996, line 1: after “(c)” insert “and under par. (cm), if applicable”.

7 **721.** Page 996, line 6: after “(e)” insert “, plus the additional license fee under
8 par. (cm), if applicable”.

9 **722.** Page 996, line 8: delete that line and substitute “stock, \$40.”.

10 **723.** Page 996, line 10: delete “and Christmas trees, \$100” and substitute “,
11 \$75”.

12 **724.** Page 996, line 12: delete “and Christmas trees, \$200” and substitute “,
13 \$125”.

14 **725.** Page 996, line 14: delete “and Christmas trees, \$400” and substitute “,
15 \$200”.

16 **726.** Page 996, line 16: delete “and Christmas trees, \$600” and substitute “,
17 \$350”.

18 **727.** Page 996, line 18: delete “and Christmas trees, \$1,200” and substitute
19 “, \$600”.

20 **728.** Page 996, line 20: delete “and Christmas trees, \$2,400” and substitute
21 “, \$1,200”.

22 **729.** Page 996, line 21: before that line insert:

1 “(cm) *Additional license fee for Christmas tree sales.* A nursery grower that
2 sells Christmas trees shall pay the following additional license fee, based on annual
3 sales calculated according to par. (e):

4 1. If the nursery grower annually sells no more than \$5,000 worth of Christmas
5 trees, \$20.

6 2. If the nursery grower annually sells more than \$5,000 but not more than
7 \$20,000 worth of Christmas trees, \$55.

8 3. If the nursery grower annually sells more than \$20,000 but not more than
9 \$100,000 worth of Christmas trees, \$90.

10 4. If the nursery grower annually sells more than \$100,000 but not more than
11 \$200,000 worth of Christmas trees, \$150.

12 5. If the nursery grower annually sells more than \$200,000 but not more than
13 \$500,000 worth of Christmas trees, \$250.

14 6. If the nursery grower annually sells more than \$500,000 but not more than
15 \$2,000,000 worth of Christmas trees, \$450.

16 7. If the nursery grower annually sells more than \$2,000,000 worth of
17 Christmas trees, \$900.”.

18 **730.** Page 996, line 22: after “(c)” insert “and under par. (cm), if applicable”.

19 **731.** Page 997, line 4: delete “and”.

20 **732.** Page 997, line 5: delete “Christmas trees”.

21 **733.** Page 997, line 6: after “sales” insert “of nursery stock”.

22 **734.** Page 997, line 8: after the period insert “If par. (cm) applies to an
23 applicant, the amount of the applicant’s additional license fee under par. (cm) for a
24 license year shall be based on the applicant’s sales of Christmas trees during the

1 applicant's preceding fiscal year, except that if the applicant made no sales of
2 Christmas trees during the preceding fiscal year the fee shall be based on the
3 applicants good faith prediction of sales during the license year for which the
4 applicant is applying.”.

5 **735.** Page 998, line 2: delete “or nursery stock”.

6 **736.** Page 998, line 3: delete “or nursery stock”.

7 **737.** Page 998, line 10: on lines 10, 12, 14, 16, 18, 20 and 22, delete “and
8 nursery stock”.

9 **738.** Page 998, line 25: delete “and nursery stock”.

10 **739.** Page 999, line 5: delete “and nursery stock”.

11 **740.** Page 999, line 11: delete “or Christmas tree grower”.

12 **741.** Page 999, line 15: after that line insert:

13 “(c) The holder of a Christmas tree grower license shall notify the department
14 in writing before adding, during the license year, any new location at which the
15 license holder will grow evergreen trees for eventual sale as Christmas trees or hold
16 Christmas trees for sale.”.

17 **742.** Page 1000, line 15: delete that line and substitute “nursery stock,”.

18 **743.** Page 1002, line 9: delete that line and substitute “inspect premises at”.

19 **744.** Page 1006, line 16: delete lines 16 to 24.

20 **745.** Page 1007, line 1: delete lines 1 to 25.

21 **746.** Page 1008, line 1: delete lines 1 to 25.

22 **747.** Page 1009, line 1: delete lines 1 to 25.

1 **748.** Page 1010, line 1: delete lines 1 to 24.

2 **749.** Page 1011, line 1: delete lines 1 and 2.

3 **750.** Page 1012, line 20: after that line insert:

4 “**SECTION 1946m.** 97.30 (1) (bm) of the statutes is repealed and recreated to
5 read:

6 97.30 **(1)** (bm) Except as provided by the department by rule, “potentially
7 hazardous food” means a food that requires temperature control because it is in a
8 form capable of supporting any of the following:

- 9 1. Rapid and progressive growth of infectious or toxigenic microorganisms.
- 10 2. Growth and toxin production of Clostridium botulinum.
- 11 3. In raw shell eggs, growth of Salmonella enteritidis.

12 **SECTION 1946n.** 97.42 (4) (intro.) of the statutes is amended to read:

13 97.42 **(4)** RULES. (intro.) The department shall may issue reasonable rules
14 requiring or prescribing any of the following:

15 **SECTION 1946p.** 97.42 (4m) of the statutes is created to read:

16 97.42 **(4m)** FEDERAL REQUIREMENTS. Except as provided in rules promulgated
17 under sub. (4), the operator of an establishment that is required to be licensed under
18 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 317 to 319, 416 and
19 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed
20 establishments.”.

21 **751.** Page 1014, line 6: after that line insert:

22 “**SECTION 1952m.** 98.12 of the statutes is amended to read:

23 **98.12** ~~Standard containers; frozen desserts~~ Sale of ice cream and
24 similar frozen products. Ice cream, ice milk, water ices or other frozen desserts

1 of a similar nature packaged prior to sale ~~may~~ shall be sold by liquid measure ~~only~~
2 and ~~shall be packaged only in containers with capacities of one-half liquid pint, one~~
3 ~~liquid pint, one liquid quart, or a multiple of one liquid quart.~~ This section does not
4 apply if ~~such~~ the products are packaged at time of sale at retail or sold in quantities
5 of less than one-half liquid pint.”.

6 **752.** Page 1014, line 10: after that line insert:

7 “**SECTION 1953e.** 98.21 of the statutes is repealed and recreated to read:

8 **98.21 Sale of bread. (1)** Except as provided in sub. (2), no person may
9 manufacture for sale in this state, offer to sell or sell bread unless the bread is sold
10 by weight.

11 **(2)** Subsection (1) does not apply to stale bread if the bread is conspicuously
12 marked “stale bread” or is placed in a container conspicuously marked “stale bread”
13 and sold as and for stale bread.”.

14 **753.** Page 1015, line 9: delete the material beginning with that line and
15 ending with page 1016, line 9.

16 **754.** Page 1017, line 24: after that line insert:

17 “**SECTION 1975m.** 101.09 (2) (cm) of the statutes is created to read:

18 101.09 **(2)** (cm) Any rules promulgated under sub. (3) requiring an owner to test
19 the ability of a storage tank, connected piping or ancillary equipment to prevent an
20 inadvertent release of a stored substance, requiring an owner to implement a
21 program for determining whether a release of a stored substance has occurred or
22 requiring an owner to permanently close or upgrade a storage tank do not apply to
23 storage tanks that have a capacity of less than 1,100 gallons and that are used to
24 store heating oil for residential, consumptive use on the premises where stored.”.

1 **755.** Page 1018, line 14: after that line insert:

2 “**SECTION 1976r.** 101.123 (1) (b) of the statutes is amended to read:

3 101.123 **(1)** (b) “Inpatient health care facility” means a county home
4 established under s. 49.70, a county infirmary established under s. 49.72, or a
5 community-based residential facility or a nursing home licensed under s. 50.03 ~~or~~
6 a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.”.

7 **756.** Page 1018, line 14: after that line insert:

8 “**SECTION 1978m.** 101.126 (1) (intro.) of the statutes is amended to read:

9 101.126 **(1)** (intro.) The department shall establish, by rule, requirements for
10 a person engaging in any of the following to provide adequate space in or adjacent
11 to the building for the separation, temporary storage and collection of the materials
12 listed in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997 stats., likely to be generated
13 by the occupants of the building:”.

14 **757.** Page 1032, line 22: delete lines 22 to 25 and substitute:

15 “(g) 1. Subject to the limitation under subd. 2., the building commission shall
16 contract revenue obligations under this subsection, as soon as practicable after the
17 effective date of this subdivision [revisor inserts date], in the maximum amount
18 that the building commission believes can be fully paid on a timely basis from moneys
19 received or anticipated to be received.

20 2. Revenue obligations issued under this subsection may not”.

21 **758.** Page 1033, line 6: delete lines 6 to 21.

22 **759.** Page 1037, line 19: after that line insert:

23 “**SECTION 1998ae.** 101.578 (1) of the statutes is amended to read:

1 101.578 **(1)** In this section, “medical waste incinerator” has the meaning given
2 in s. 287.07 (7) (c) 1. ~~cr. (8) (a) 5.~~”.

3 **760.** Page 1043, line 22: after that line insert:

4 “(1m) On the form or in the automated format for application for a certificate
5 of title, the department may show the fee under s. 101.9208 (1) (dm) separately from
6 the fee under s. 101.9208 (1) (a) or (d).”.

7 **761.** Page 1047, line 4: before “The department” insert “(1)”.

8 **762.** Page 1047, line 5: delete “(1)” and substitute “(a)”.

9 **763.** Page 1047, line 7: delete “(2)” and substitute “(b)”.

10 **764.** Page 1047, line 15: delete “(3)” and substitute “(c)”.

11 **765.** Page 1047, line 17: delete “(4)” and substitute “(d)”.

12 **766.** Page 1047, line 18: after that line insert:

13 “(dm) Upon filing an application under par. (a) or (d), a supplemental title fee
14 of \$7.50 by the owner of the mobile home, except that this fee shall be waived with
15 respect to an application under par. (d) for transfer of a decedent’s interest in a mobile
16 home to his or her surviving spouse. The fee specified under this paragraph is in
17 addition to any other fee specified in this section.”.

18 **767.** Page 1047, line 19: delete “(6)” and substitute “(f)”.

19 **768.** Page 1047, line 21: delete “(7)” and substitute “(g)”.

20 **769.** Page 1047, line 22: delete “(8)” and substitute “(h)”.

21 **770.** Page 1048, line 1: delete “(9)” and substitute “(i)”.

22 **771.** Page 1048, line 3: delete “(10)” and substitute “(j)”.

23 **772.** Page 1048, line 4: after that line insert:

1 “(2) All fees collected under sub. (1), except fees collected under sub. (1) (b),
2 shall be deposited in the transportation fund.”.

3 **773.** Page 1064, line 8: delete “retained” and substitute “deposited in the
4 transportation fund, as required under s. 101.9208 (2),”.

5 **774.** Page 1070, line 8: after that line insert:

6 “(14) FEES TO TRANSPORTATION FUND. All moneys received as fees under this
7 section shall be deposited in the transportation fund.”.

8 **775.** Page 1079, line 7: after that line insert:

9 “SECTION 2000q. 102.26 (2m) of the statutes is repealed.”.

10 **776.** Page 1079, line 20: after that line insert:

11 “SECTION 2003m. 102.42 (6) of the statutes is amended to read:

12 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employe shall have
13 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital
14 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or
15 disability of an employe, if the death be caused, or insofar as the disability may be
16 aggravated, caused or continued by an unreasonable refusal or neglect to submit to
17 or follow any competent and reasonable medical, surgical or dental treatment or, in
18 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~
19 ~~sanatorium~~ or medical treatment when found by the department to be necessary.
20 The right to compensation accruing during a period of refusal or neglect to submit
21 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the
22 department to be necessary in the case of tuberculosis shall be barred, irrespective
23 of whether disability was aggravated, caused or continued thereby.”.

24 **777.** Page 1080, line 2: after that line insert:

1 **SECTION 2005dd.** 103.21 (1) of the statutes is amended to read:

2 103.21 (1) Every minor selling or distributing newspapers, shoppers guides or
3 magazines on the streets any street or other public place, or from house to house, is
4 in an “employment” and an “~~employe,~~” “employee”; and each independent news
5 agency ~~or (in or, in the absence of all such agencies),~~ each selling agency of a publisher
6 ~~or (in or, in the absence of all such agencies),~~ each publisher, whose newspapers,
7 shoppers guides or magazines the minor sells or distributes, is an “employer” of the
8 minor. Every minor engaged in any other street trade is in an “employment” and an
9 “~~employe,~~” “employee”; and each person furnishing the minor articles for sale or
10 distribution or regularly furnishing the minor material for blacking boots is the
11 minor’s “employer”.

12 **SECTION 2005dg.** 103.21 (1v) of the statutes is created to read:

13 103.21 (1v) “Newspaper” means a publication that is printed and distributed
14 at daily, weekly or other short, periodic intervals for the dissemination of current
15 news and information of a general character and of a general interest to the public.

16 **SECTION 2005dj.** 103.21 (5r) of the statutes is created to read:

17 103.21 (5r) “Shoppers guide” has the meaning given in s. 77.54 (15).

18 **SECTION 2005dm.** 103.21 (6) of the statutes is amended to read:

19 103.21 (6) “Street trade” means the selling, offering for sale, soliciting for,
20 collecting for, displaying or distributing any articles, goods, merchandise,
21 commercial service, posters, circulars, newspapers, shoppers guides or magazines,
22 or the blacking of boots, on any street or other public place or from house to house.

23 **SECTION 2005dp.** 103.23 (2) of the statutes is renumbered 103.23 (2) (a).

24 **SECTION 4.** 103.23 (2) (b) of the statutes is created to read:

1 103.23 **(2)** (b) A minor who is 11 years of age or over may be employed or
2 permitted to work in the sale or distribution of newspapers or shoppers guides.

3 **SECTION 2005dt.** 103.25 (3m) (c) of the statutes is amended to read:

4 103.25 **(3m)** (c) This subsection does not apply to employment of a minor by a
5 newspaper or shoppers guide publisher or in a fund-raising sale for a nonprofit
6 organization, a public school or a private school.

7 **SECTION 2005dv.** 103.275 (8) of the statutes is amended to read:

8 103.275 **(8)** EXCEPTION. This section does not apply to the employment of a
9 minor by a newspaper or shoppers guide publisher or in a fund-raising sale for a
10 nonprofit organization, a public school or a private school.

11 **SECTION 2005dx.** 103.30 of the statutes is amended to read:

12 **103.30 Penalty on newspapers and shoppers guides for allowing**
13 **minors to loiter around premises.** A newspaper or shoppers guide publisher or
14 printer or person having for sale or distribution newspapers, shoppers guides or
15 magazines ~~shall~~ may not permit any minor under 18 years of age to loiter or remain
16 around any premises where the newspapers, shoppers guides or magazines are
17 printed, assembled, prepared for sale or distribution, distributed or sold when the
18 minor is required under s. 118.15 to attend school. Any person violating this section
19 is subject to the penalties specified in s. 103.29.”.

20 **778.** Page 1080, line 3: delete lines 3 to 24.

21 **779.** Page 1080, line 24: after that line insert:

22 **“SECTION 2005hd.** 103.64 (1v) of the statutes is created to read:

1 103.64 (1v) “Newspaper” means a publication that is printed and distributed
2 at daily, weekly or other short, periodic intervals for the dissemination of current
3 news and information of a general character and of a general interest to the public.

4 **SECTION 2005hg.** 103.64 (6) of the statutes is created to read:

5 103.64 (6) “Shoppers guide” has the meaning given in s. 77.54 (15).

6 **SECTION 2005hj.** 103.67 (2) (c) of the statutes is amended to read:

7 103.67 (2) (c) Minors 11 years of age or older may be employed in the sale or
8 distribution of newspapers or shoppers guides, minors 12 years of age or older may
9 be employed in other street trades, and any minor may work in fund-raising sales
10 for nonprofit organizations, public schools or private schools, as provided in ss.
11 103.21 to 103.31.

12 **SECTION 2005hm.** 103.71 (2) (a) of the statutes is renumbered 103.71 (2) (a)
13 (intro.) and amended to read:

14 103.71 (2) (a) (intro.) The employment of minors 11 to 13 years of age as follows:
15 1. As ball monitors at high school football games as provided in s. 103.67 (2) (i).

16 **SECTION 2005hp.** 103.71 (2) (a) 2. of the statutes is created to read:

17 103.71 (2) (a) 2. In the sale or distribution of newspapers or shoppers guides
18 as provided in s. 103.67 (2) (c).

19 **SECTION 2005hr.** 103.71 (2) (b) (intro.) of the statutes is amended to read:

20 103.71 (2) (b) (intro.) The employment of minors 12 years of age and over as
21 follows:

22 **SECTION 2005ht.** 103.81 (1) of the statutes is amended to read:

23 103.81 (1) During the term that the public schools are in session, ~~a person shall~~
24 ~~not~~ no person may advertise or cause or permit any advertisement to be published
25 in any newspaper or shoppers guide for the labor or services of any minor during

1 school hours in any employment for which a child labor permit is required under s.
2 103.70 which does not specifically state the minimum age of the minor whose services
3 are desired, which age must be 18 years or over.”.

4 **780.** Page 1083, line 8: delete lines 8 to 17 and substitute:

5 “SECTION 2017d. 106.13 (1) of the statutes is renumbered 106.13 (1) (intro.) and
6 amended to read:

7 106.13 (1) (intro.) The department board shall provide a all of the following:

8 (a) A youth apprenticeship program and a that includes the grant programs
9 under subs. (3) and (4).

10 (b) A school-to-work program in accordance with 20 USC 6101 to 6251 that
11 includes the school-to-work program for children at risk under sub. (4m).

12 **SECTION 2017g.** 106.13 (1) (c) of the statutes is created to read:

13 106.13 (1) (c) A work-based learning program for youths who are eligible to
14 receive temporary assistance for needy families under 42 USC 601 to 619 that
15 includes a component that would permit a participant to earn a youth apprenticeship
16 skills certificate through participation in that program if the participant meets the
17 requirements for earning that certificate.

18 **SECTION 2017j.** 106.13 (1) (d) of the statutes is created to read:

19 106.13 (1) (d) A work-based learning program for students of a tribal college
20 as provided under sub. (4r).”.

21 **781.** Page 1086, line 7: after that line insert:

22 “SECTION 2023m. 106.13 (4r) of the statutes is created to read:

23 106.13 (4r) From the appropriation under s. 20.445 (7) (kd), the board may
24 award a grant to an applying tribal college that is recognized as a land grant college

1 under 7 USC 301, as amended to October 20, 1994, for the provision of work-based
2 learning programs for students of the tribal college if the board approves the
3 application of the tribal college.”.

4 **782.** Page 1092, line 20: after that line insert:

5 “**SECTION 2033p.** 111.35 (2) (d) of the statutes is amended to read:

6 111.35 (2) (d) Constitutes a violation of s. ~~938.983~~ 254.92 (2).”.

7 **783.** Page 1092, line 20: after that line insert:

8 “**SECTION 2033r.** 111.70 (1) (a) of the statutes is amended to read:

9 **SECTION 5.** 111.70 (1) (a) of the statutes is amended to read:

10 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
11 obligation of a municipal employer, through its officers and agents, and the
12 representative of its municipal employes in a collective bargaining unit, to meet and
13 confer at reasonable times, in good faith, with the intention of reaching an
14 agreement, or to resolve questions arising under such an agreement, with respect to
15 wages, hours and conditions of employment, and with respect to a requirement of the
16 municipal employer for a municipal employe to perform law enforcement and fire
17 fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s. 40.81
18 (3) and except that a municipal employer shall not meet and confer with respect to
19 any proposal to diminish or abridge the rights guaranteed to municipal employes
20 under ch. 164. The duty to bargain, however, does not compel either party to agree
21 to a proposal or require the making of a concession. Collective bargaining includes
22 the reduction of any agreement reached to a written and signed document. The
23 municipal employer shall not be required to bargain on subjects reserved to
24 management and direction of the governmental unit except insofar as the manner

1 of exercise of such functions affects the wages, hours and conditions of employment
2 of the municipal employes in a collective bargaining unit. In creating this subchapter
3 the legislature recognizes that the municipal employer must exercise its powers and
4 responsibilities to act for the government and good order of the jurisdiction which it
5 serves, its commercial benefit and the health, safety and welfare of the public to
6 assure orderly operations and functions within its jurisdiction, subject to those
7 rights secured to municipal employes by the constitutions of this state and of the
8 United States and by this subchapter.”.

9 **784.** Page 1093, line 2: after that line insert:

10 “SECTION 2034p. 111.91 (2) (r) of the statutes is created to read:

11 111.91 (2) (r) The definition of “dependent” in s. 40.02 (20) and the restrictions
12 on the scope of insurance coverage specified in s. 40.56.”.

13 **785.** Page 1093, line 2: after that line insert:

14 “SECTION 2035m. 111.70 (4) (o) of the statutes is created to read:

15 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,
16 the municipal employer is not required to bargain collectively with respect to the
17 establishment of the school calendar. This paragraph shall not be construed to
18 eliminate a school district’s duty to bargain collectively with the recognized or
19 certified representative of school district employes in a collective bargaining unit
20 concerning the total number of days of work and the number of those days which are
21 allocated to different purposes such as days on which school is taught, in-service
22 days, staff preparation days, convention days, paid holidays and parent-teacher
23 conference days, and to bargain collectively with that representative with regard to
24 the impact of the school calendar on wages, hours and conditions of employment.”.

1 **786.** Page 1093, line 2: after that line insert:

2 “**SECTION 2036r.** 111.91 (2) (nm) of the statutes is created to read:

3 111.91 (2) (nm) The prohibition under s. 632.872 related to denying payment
4 for certain procedures.”.

5 **787.** Page 1094, line 22: after that line insert:

6 “**SECTION 2042m.** 115.28 (42) of the statutes is created to read:

7 115.28 (42) DIRECT INSTRUCTION PROGRAM. From the appropriation under s.
8 20.255 (1) (me), award a grant of \$280,000 annually in the 1999–2000, 2000–01,
9 2001–02 and 2002–03 fiscal years to the University of Wisconsin–Milwaukee to
10 conduct a direct instruction pilot program. The purpose of the program shall be to
11 determine the efficiency of direct instruction in improving the ability of children to
12 read. By August 1 of 2000, 2001, 2002 and 2003, the University of
13 Wisconsin–Milwaukee shall submit a report to the appropriate standing committees
14 of the legislature under s. 13.172, and to the state superintendent, that describes the
15 findings and conclusions of the study.”.

16 **788.** Page 1094, line 22: after that line insert:

17 “**SECTION 2042g.** 115.31 (1) (b) of the statutes is amended to read:

18 115.31 (1) (b) “Educational agency” means a school district, cooperative
19 educational service agency, state correctional institution under s. 302.01, secured
20 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,
21 as defined in s. 938.02 (15g), the Wisconsin school for the visually handicapped
22 Wisconsin Center for the Blind and Visually Impaired, the Wisconsin school School
23 for the deaf Deaf, the Mendota mental health institute, the Winnebago mental health
24 institute, a state center for the developmentally disabled, a private school or a

1 private, nonprofit, nonsectarian agency under contract with a school board under s.
2 118.153 (3) (c).”.

3 **789.** Page 1094, line 22: after that line insert:

4 “**SECTION 2042g.** 115.28 (43) of the statutes is created to read:

5 115.28 **(43)** SCHOOL SAFETY FUNDING. With the department of justice, seek and
6 apply for federal funds relating to school safety and reducing violence and disruption
7 in schools, including funds for alternative schools or programs. Each department
8 shall make a report by January 1, 2001, and January 1, 2003, of its progress in
9 applying for and obtaining funds under this subsection. The report shall be provided
10 to the legislature in the manner provided under s. 13.172 (2) to the cochairpersons
11 of the joint committee on finance and to the governor.”.

12 **790.** Page 1096, line 8: after that line insert:

13 “**SECTION 2047g.** 115.37 of the statutes is repealed and recreated to read:

14 **115.37 Blind and visual impairment education council. (1)** In this
15 section:

16 (a) “Council” means the blind and visual impairment education council.

17 (b) “Visually impaired” has the meaning given in s. 115.51 (4).

18 **(2)** The state superintendent shall seek the advice of and consult with the
19 council on issues related to persons who are visually impaired. The state
20 superintendent and the director of the Wisconsin Center for the Blind and Visually
21 Impaired, or their designees, shall attend meetings of the council.

22 **(3)** The council shall do all of the following:

23 (a) Meet at least twice each year.

1 (b) Advise the state superintendent on such statewide services, activities,
2 programs, investigations and research as in its judgment will benefit pupils who are
3 visually impaired.

4 (c) Make recommendations for the improvement of services provided by the
5 Wisconsin Center for the Blind and Visually Impaired.

6 (d) Review the level and quality of services available to pupils in the state who
7 are visually impaired and make recommendations about those services.

8 (e) Propose to the state superintendent ways to improve the preparation of
9 teachers and other staff who provide services to pupils who are visually impaired.

10 (f) Propose to the state superintendent ways to improve coordination between
11 the department and other agencies in providing services to persons who are visually
12 impaired.

13 **(4)** The council may initiate consultations with the department.

14 **(5)** The council shall have access to public files, public records and statistics
15 kept in the department that relate to matters concerning children who are visually
16 impaired.”.

17 **791.** Page 1096, line 8: after that line insert:

18 “**SECTION 2048m.** 115.38 (1) (b) of the statutes is renumbered 115.38 (1) (b) 1.
19 and amended to read:

20 115.38 **(1)** (b) 1. Other indicators of school and school district performance,
21 including dropout, attendance, retention in grade and graduation rates; ~~numbers of~~
22 ~~suspensions and expulsions~~; percentage of habitual truants, as defined in s. 118.16
23 (1) (a); percentage of pupils participating in extracurricular and community
24 activities and advanced placement courses; percentage of graduates enrolled in

1 postsecondary educational programs; and percentage of graduates entering the
2 workforce.

3 **SECTION 2048t.** 115.38 (1) (b) 2. of the statutes is created to read:

4 115.38 (1) (b) 2. The numbers of suspensions and expulsions; the reasons for
5 which pupils are suspended or expelled, reported according to categories specified by
6 the state superintendent; the length of time for which pupils are expelled, reported
7 according to categories specified by the state superintendent; whether pupils return
8 to school after their expulsion; the educational programs and services, if any,
9 provided to pupils during their expulsions, reported according to categories specified
10 by the state superintendent; the schools attended by pupils who are suspended or
11 expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
12 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).”.

13 **792.** Page 1097, line 2: after that line insert:

14 “**SECTION 2053b.** Subchapter III (title) of chapter 115 [precedes 115.51] of the
15 statutes is amended to read:

16 **CHAPTER 115**

17 **SUBCHAPTER III**

18 **STATE SCHOOLS SCHOOL FOR THE**

19 **DEAF AND STATE CENTER FOR THE**

20 **BLIND AND VISUALLY IMPAIRED**

21 **SECTION 2053c.** 115.51 (1) of the statutes is repealed.

22 **SECTION 2053d.** 115.51 (3) and (4) of the statutes are created to read:

23 115.51 (3) “Local educational agency” has the meaning given in s. 115.76 (10).

1 (4) “Visually impaired” means loss of vision or blindness as described in the
2 rule promulgated by the state superintendent to define “visual impairments” for the
3 purposes of s. 115.76 (5) (a) 4.

4 **SECTION 2053f.** 115.52 of the statutes is amended to read:

5 **115.52 Wisconsin schools School for the ~~visually handicapped and the~~**
6 **~~deaf~~ Deaf.** (1) The object of the ~~Wisconsin school for the visually handicapped and~~
7 ~~the Wisconsin school~~ School for the deaf Deaf is to afford persons with ~~visual~~
8 ~~impairments and persons~~ with hearing impairments a practical education and
9 physical rehabilitation which may aid them to make a living, discharge their duties
10 as citizens and secure to them all possible happiness.

11 (2) The state superintendent shall maintain and govern the ~~school for the~~
12 ~~visually handicapped and the school~~ School for the deaf Deaf. The state
13 superintendent may fix the period of the school year at the ~~schools~~ school at not less
14 than 38 weeks, prescribe the school terms and confer diplomas upon meritorious
15 pupils who have completed the prescribed curricula.

16 (3) All the ~~blind and the deaf~~ residents of this state 6 to 20 years old, and for
17 the duration of a school term all the ~~blind or deaf~~ residents of this state who become
18 21 years old during that school term, who are capable of receiving instruction shall
19 be received and taught in the ~~schools~~ School for the Deaf free of charge. Like
20 nonresident pupils also may be received upon payment in advance of the fees fixed
21 by the state superintendent at an amount not less than \$75 per month, but no
22 nonresident shall be received to the exclusion of a resident pupil. The state
23 superintendent also may admit pupils who are 21 years of age or older prior to the
24 beginning of a school term upon the payment of fees fixed by the superintendent and
25 upon the recommendation of the secretary of health and family services, the director

1 of the technical college system or the superintendent of the school to which the pupil
2 will be assigned School for the Deaf. All pupils shall equally and freely enjoy the
3 benefits and privileges of the schools school and have the use of the library and books
4 of instruction and receive board, lodging and laundry, without discrimination. The
5 schools school may provide transportation for resident pupils.

6 (5) The state superintendent may grant approval for the maintenance of a
7 summer school at the school School for the deaf Deaf whenever it will be to the
8 advantage of persons with hearing impairments and may grant approval for the
9 maintenance of a summer school at the school for the visually handicapped whenever
10 it will be to the advantage of children with visual impairments. There shall be a
11 summer school each year at the school for the visually handicapped for adults with
12 visual impairments.

13 (6) The state superintendent may make charges for meals, living quarters,
14 laundry and other services furnished to employes of the schools School for the Deaf
15 and their families. The state superintendent also may make charges for services
16 furnished to visitors at the schools school and participants in training programs and
17 institutes.

18 (7) The Wisconsin school School for the deaf Deaf may provide instruction for
19 preschool children with hearing impairments and their parents. The Wisconsin
20 school for the visually handicapped may provide instruction for preschool children
21 with visual impairments and their parents. Such instruction or treatment shall be
22 subject to the approval of, and shall comply with requirements established by, the
23 department.

24 **SECTION 2053h.** 115.525 of the statutes is created to read:

1 **115.525 Wisconsin Center for the Blind and Visually Impaired. (1)**

2 DEFINITION. In this section, “center” means the Wisconsin Center for the Blind and
3 Visually Impaired.

4 **(1m) PURPOSE.** The purpose of the center is to serve as a statewide educational
5 resource relating to visual impairments to benefit all Wisconsin children who are
6 visually impaired.

7 **(2) GOVERNANCE.** The state superintendent shall maintain and govern the
8 center. The state superintendent shall appoint an individual who has training and
9 experience in educating pupils who are visually impaired to serve as the director of
10 the center.

11 **(3) SERVICES.** The center shall provide services that benefit children
12 throughout the state who are visually impaired.

13 (a) *School.* 1. ‘Residents 3 to 20 years old.’ The center shall operate a school
14 at which any resident of this state 3 to 20 years old who is visually impaired, and for
15 the duration of a school term any resident of this state who is visually impaired and
16 becomes 21 years old during that school term, shall be received and taught free of
17 charge if the individualized education program for the resident under s. 115.787 and
18 the educational placement under s. 115.79 specify the school operated by the center
19 as the appropriate placement.

20 2. ‘Residents 21 years old or older.’ The state superintendent may admit to the
21 school operated by the center a resident of the state who is visually impaired and is
22 21 years of age or older prior to the beginning of a school term upon the payment of
23 fees fixed by the state superintendent and upon the recommendation of the secretary
24 of health and family services, the director of the technical college system or the
25 director of the center.

1 3. ‘Nonresidents.’ A nonresident of this state, who is visually impaired, who
2 either is 3 to 20 years old or becomes 21 years old during a school term, whose
3 individualized education program under 20 USC 1414 (d) and educational placement
4 specify the school operated by the center as the appropriate placement and who is
5 capable of receiving instruction may be received at the school upon payment in
6 advance of the fees fixed by the state superintendent, but no nonresident may be
7 received to the exclusion of a resident pupil.

8 4. ‘Pupil use of residential facilities.’ Except as provided in sub. (4), the director
9 of the center shall make the residential facilities at the center available to all pupils
10 received at the school operated by the center.

11 5. ‘School term.’ The state superintendent shall fix the period of the school term
12 at the school operated by the center at not less than 38 weeks, prescribe the school
13 sessions and confer diplomas upon meritorious pupils who have completed the
14 prescribed curriculum. Pursuant to a pupil’s individualized education program
15 under s. 115.787, a pupil may be placed at the school for less than a school term.

16 6. ‘Transportation.’ The center may provide transportation for resident pupils
17 at the school operated by the center.

18 (b) *Other statewide services.* The center may do any of the following:

19 1. Provide testing, evaluation and assessment services to assist local
20 educational agencies, cooperative educational service agencies and county children
21 with disabilities education boards.

22 2. Provide technical assistance and consultation services to entities such as
23 local educational agencies, cooperative educational service agencies, county children
24 with disabilities education boards and private schools.

25 3. Develop and disseminate curriculum and instructional materials.

1 4. Provide in service and other training to teachers and other staff serving
2 pupils who are visually impaired.

3 5. Provide training, technical assistance and consultation services for parents
4 of children who are visually impaired and for professionals who work with children
5 who are visually impaired.

6 6. Provide materials in braille, large print and other appropriate formats to
7 children who are visually impaired.

8 7. Train teachers and braillists about braille codes and formats used by
9 individuals who are visually impaired.

10 8. Loan books and other materials from the library described in par. (c) 2.

11 9. Serve as a clearinghouse for information about children who are visually
12 impaired, including information related to library resources, adapted materials and
13 current research.

14 10. Assist in providing assistive technology services, as defined in s. 115.76 (2),
15 for pupils who are visually impaired.

16 11. Lend, rent or lease technological materials and assistive technology
17 devices, as defined in s. 115.76 (1), to local educational agencies, cooperative
18 educational service agencies and county children with disabilities education boards.

19 12. Facilitate the preparation of teachers of pupils who are visually impaired
20 by providing assistance to teacher preparation programs.

21 13. Coordinate and collaborate with public and private agencies and
22 organizations that provide services to individuals who are visually impaired,
23 including the development of employment skills and opportunities.

24 14. Provide other statewide services that relate to the education of children who
25 are visually impaired.

1 (c) *Additional services.* 1. ‘Birth to 2 services.’ The center may provide
2 instruction or services, or both, for children who are under the age of 2 and are
3 visually impaired and their parents. The instruction or services are subject to the
4 approval of, and shall comply with requirements established by, the department.

5 2. ‘Library.’ Embossed, clear type or large type books acquired by the center
6 constitute a circulating collection for persons who are visually impaired. The
7 collection shall be kept at the center and be under the supervision of its director. All
8 school age children of the state who are visually impaired may use such books upon
9 compliance with criteria established by the director of the center and approved by
10 the state superintendent.

11 3. ‘Summer programs.’ The center shall provide summer programs each year
12 for children who are visually impaired.

13 4. ‘Adult summer program.’ The center shall provide a summer program each
14 year for adults who are visually impaired. The state superintendent may contract
15 with other entities to provide this program.

16 5. ‘Independent living skills.’ With the approval of the state superintendent,
17 the center may use state–owned housing on the grounds of the center in Janesville
18 as a facility in which individuals receive instruction in and practice independent
19 living skills.

20 (d) *Provision of services.* In addition to providing services at the center’s facility
21 in Janesville, the center may provide services at any location in the state and may
22 operate regional satellite facilities throughout the state to provide services.

23 **(4) NONDISCRIMINATION.** All pupils at the center may equally and freely enjoy
24 the benefits and privileges of the center, have the use of the library and books of
25 instruction and receive board, lodging and laundry, without discrimination, except

1 that the director of the center may determine that board, lodging and laundry may
2 not be provided to an individual because appropriate services are not available for
3 that individual at the center's residential facilities.

4 (5) CHARGES. The state superintendent may charge for meals, living quarters,
5 laundry and other services furnished to employes of the center and their families.
6 The state superintendent may charge for services furnished to visitors at the center
7 and participants in training programs and institutes.

8 (6) LEASING OF SPACE. The state superintendent may lease space at the center
9 in Janesville that is not required by the center to any person if the state
10 superintendent determines that the use will not be inconsistent with the operation
11 of the center.

12 (7) AUDIT. In the 2002–03 fiscal year, the legislative audit bureau shall perform
13 a performance evaluation audit of the center. The bureau shall submit copies of the
14 audit report to the chief clerk of each house of the legislature for distribution to the
15 appropriate standing committees under s. 13.172 (3) by June 30, 2003.

16 **SECTION 2053j.** 115.53 (2) of the statutes is amended to read:

17 **115.53 (2)** Arrange for vocational, trade or academic training for any pupil in
18 either state school the school operated by the Wisconsin Center for the Blind and
19 Visually Impaired or the Wisconsin School for the Deaf qualified to take such
20 training advantageously, in either a public school or technical college or a private
21 business establishment in Janesville or Delavan. The public school and the technical
22 college shall be paid the regular tuition for full-time attendance and proportionally
23 for part-time attendance by the school district responsible for the provision of a free
24 appropriate public education under subch. V.

1 **SECTION 2053k.** 115.53 (3) of the statutes is renumbered 115.53 (3) (a) and
2 amended to read:

3 115.53 **(3)** (a) Arrange for otological or ophthalmic examination of any pupil or
4 prospective pupil of the ~~schools~~ Wisconsin School for the Deaf. The examination shall
5 be paid for from the appropriation in s. 20.255 (1) (b), (gh) or (gs).

6 **SECTION 2053L.** 115.53 (3) (b) of the statutes is created to read:

7 115.53 **(3)** (b) Arrange for ophthalmic or otological examination of any pupil or
8 prospective pupil of the school operated by the Wisconsin Center for the Blind and
9 Visually Impaired. The examination shall be paid from the appropriation in s. 20.255
10 (1) (b), (gh), (gL) or (gs).

11 **SECTION 2053m.** 115.53 (4) and (5) of the statutes are amended to read:

12 115.53 **(4)** Apply to the board of directors of the University of Wisconsin
13 Hospitals and Clinics Authority for admission to the University of Wisconsin
14 Hospitals and Clinics of any pupil ~~in~~ at the state schools Wisconsin School for the
15 Deaf or the school operated by the Wisconsin Center for the Blind and Visually
16 Impaired.

17 (a) The application shall be accompanied by the report of a physician appointed
18 by the appropriate school superintendent of the Wisconsin School for the Deaf or the
19 director of the Wisconsin Center for the Blind and Visually Impaired and shall be in
20 the same form as reports of other physicians for admission of patients to such
21 hospital.

22 (b) The net cost of hospital treatment shall be at the rate established under s.
23 233.40 (1) and shall be ~~chargeable to~~ paid from the appropriation ~~for operating the~~
24 patient's school under s. 20.255 (1) (b), (gh) or (gs) if the patient is a pupil at the
25 Wisconsin School for the Deaf or from the appropriation under s. 20.255 (1) (b), (gh),

1 (gL) or (gs) if the patient is a pupil at the school operated by the Wisconsin Center
2 for the Blind and Visually Impaired. The state superintendent likewise may
3 authorize payment for the expense of transporting patients to and from the hospital.
4 The state superintendent shall make payments for the treatment to the University
5 of Wisconsin Hospitals and Clinics Authority. Funds collected by the state
6 superintendent on account of the hospitalization shall be ~~deposited in~~ credited to the
7 appropriation under s. 20.255 (1) ~~(b)~~ (gh) for the school or center concerned.

8 (5) Arrange for visits by members of the staff of either ~~school~~ the Wisconsin
9 School for the Deaf or the Wisconsin Center for the Blind and Visually Impaired to
10 other public schools or to families of ~~blind or deaf children~~ or children who are
11 visually impaired, whenever it appears to the state superintendent that such visits
12 will be of advantage to ~~blind or deaf~~ such children.

13 **SECTION 2053p.** 115.54 of the statutes is amended to read:

14 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit
15 judge that any ~~blind or deaf child~~ or child who is visually impaired between the ages
16 of 6 and 21 is deprived of a suitable education by the failure of the person having the
17 care and custody of the child to provide a suitable education, the judge shall order
18 the person to bring the child before the judge. If the material allegations of the
19 affidavit are denied, the judge shall subpoena witnesses and hear testimony. If the
20 allegations are admitted or established, the judge may order the child sent to the
21 ~~school~~ Wisconsin School for the ~~visually handicapped or for the deaf~~ Deaf, the school
22 operated by the Wisconsin Center for the Blind and Visually Impaired or to some
23 class or other school for instruction, but the order ~~shall~~ may not make a direct charge
24 for the class or school against any county.

25 **SECTION 2053q.** 115.55 of the statutes is repealed.

1 **SECTION 2053r.** 115.58 of the statutes is amended to read:

2 **115.58 Park grounds.** The state superintendent may permit the city of
3 Janesville to use portions of the grounds of the ~~state school for the visually~~
4 ~~handicapped~~ Wisconsin Center for the Blind and Visually Impaired at Janesville,
5 which abut on the Rock river, for purposes of operating a city park. Any construction
6 on such grounds is subject to prior approval by the state superintendent. Any
7 agreement pursuant hereto shall be cancelable at the option of either party without
8 liability. Any such grounds so used by the city of Janesville shall be supervised by
9 the city and shall be subject to the ordinances of the city of Janesville applicable to
10 city parks.”.

11 **793.** Page 1097, line 14: delete “An” and substitute “**(1)** Except as provided
12 in sub. (2), an”.

13 **794.** Page 1097, line 16: after that line insert:

14 “**(2)** The board of directors of the school district operating under ch. 119 is a
15 local educational agency under this section and shall comply with 20 USC 1400 to
16 1491o if the board of directors enters into an agreement with an operator of a charter
17 school under s. 118.40 (2r) under which the board of directors agrees to serve as the
18 local educational agency.”.

19 **795.** Page 1101, line 16: after that line insert:

20 “**SECTION 2063p.** 115.92 (1) of the statutes is amended to read:

21 115.92 **(1)** Any school board may establish a program for school age parents
22 who are residents of the school district. The program shall be designed to provide
23 services and instruction to meet the needs of school age parents, including education
24 on the skills required of a parent; ~~family planning, as defined in s. 253.07 (1) (a),~~

1 ~~including natural family planning~~; and instruction on adoption and adoption
2 services. The instruction provided on adoption and adoption services shall include
3 instruction on the options available and the procedures followed in independent and
4 agency adoptions, including current practices regarding a birth parent's
5 involvement in the selection of an adoptive home and the sharing of information
6 between birth parents and adoptive parents, instruction on the impact of adoption
7 on birth parents and children who have been adopted and an explanation that the
8 adoption process may be initiated even after a child has been born and has left the
9 hospital. The program shall be coordinated with existing vocational and job training
10 programs in the school district.”.

11 **796.** Page 1102, line 25: after that line insert:

12 “**SECTION 2067n.** 118.019 (2) (e) of the statutes is amended to read:

13 118.019 **(2)** (e) Human sexuality; reproduction; ~~family planning, as defined in~~
14 ~~s. 253.07 (1) (a), including natural family planning~~; human immunodeficiency virus
15 and acquired immunodeficiency syndrome; prenatal development; childbirth;
16 adoption; available prenatal and postnatal support; and male responsibility.”.

17 **797.** Page 1102, line 25: after that line insert:

18 “**SECTION 2065q.** 117.20 of the statutes is amended to read:

19 **117.20 Referendum procedures. (1)** If a referendum is required under ss.
20 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November
21 occurring not sooner than 45 days following receipt of the petition or adoption of the
22 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a
23 referendum is required under s. 117.105, it shall be held on the Tuesday after the first

1 Monday in the 2nd November occurring not sooner than 45 days following receipt of
2 the petition or adoption of the resolution under s. 117.105 (1).

3 (2) The clerk of each affected school district shall publish notice, as required
4 under s. 8.55 10.06 (4), in the territory of that school district. The procedures for
5 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
6 referendum held under this section. The school board and school district clerk of each
7 affected school district shall each perform, for that school district, the functions
8 assigned to the school board and the school district clerk, respectively, under those
9 subsections. The form of the ballot shall correspond to the form prescribed by the
10 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
11 district shall file with the secretary of the board a certified statement prepared by
12 the school district board of canvassers of the results of the referendum in that school
13 district.”.

14 **798.** Page 1102, line 25: after that line insert:

15 “SECTION 2067d. 118.125 (4) of the statutes is amended to read:

16 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
17 transfer to another school or school district all pupil records relating to a specific
18 pupil if the transferring school district has received written notice from the pupil if
19 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
20 pupil intends to enroll in the other school or school district or written notice from the
21 other school or school district that the pupil has enrolled or from a court that the pupil
22 has been placed in a juvenile secured correctional facility ~~or, as defined in s. 938.02~~
23 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured
24 group home, as defined in s. 938.02 (15p). In this subsection, “school” and “school

1 district” include any juvenile secured correctional facility, secured child caring
2 institution ~~as defined in s. 938.02 (15g), secured group home~~, adult correctional
3 institution, mental health institute or center for the developmentally disabled, that
4 provides an educational program for its residents instead of or in addition to that
5 which is provided by public and private schools.”.

6 **799.** Page 1103, line 16: after that line insert:

7 “**SECTION 2068m.** 118.16 (1m) of the statutes is created to read:

8 118.16 **(1m)** The period during which a pupil is absent from school due to a
9 suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an
10 acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause
11 for the purposes of sub. (1) (c).

12 **SECTION 2068r.** 118.175 of the statutes is created to read:

13 **118.175 Pupils without parents or guardians; report required. (1)** This
14 section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11)
15 or 938.02 (11), or who is cared for by a kinship care relative, as defined in s. 48.57 (3m)
16 (a).

17 **(2)** If a pupil is a child who is without a parent or guardian, any school teacher,
18 school administrator, school counselor or school social worker who knows that the
19 child is without a parent or guardian shall report that fact as soon as possible to the
20 county department under s. 46.22 or 46.23 or, in a county having a population of
21 500,000 or more, to the department of health and family services.”.

22 **800.** Page 1104, line 5: after that line insert:

23 “**SECTION 2070m.** 118.265 of the statutes is created to read:

1 **118.265 Contracts with labor organizations. (1)** In this section, “labor
2 organization” has the meaning given in s. 5.02 (8m).

3 **(2)** The school board shall ensure that the specifications for bids and contracts
4 for construction projects entered into by the school board do not do any of the
5 following:

6 (a) Require any bidder, contractor or subcontractor to enter into or to adhere
7 to an agreement with any labor organization concerning services to be performed in
8 relation to the project or a related project.

9 (b) Discriminate against any bidder, contractor or subcontractor for refusing
10 to enter into or continue to adhere to an agreement with any labor organization
11 concerning services to be performed in relation to the project or a related project.

12 (c) Require any bidder, contractor or subcontractor to enter into, continue to
13 adhere to or enforce any agreement that requires its employes, as a condition of
14 employment, to do any of the following:

15 1. Become members of or become affiliated with a labor organization.

16 2. Make payments to a labor organization, without the authorization of the
17 employes, exceeding the employes’ proportionate share of the cost of collective
18 bargaining, contract administration and grievance adjustment.

19 **(3)** Any taxpayer of this state or any other person who enters into contracts or
20 subcontracts for building construction services may bring an action to require
21 compliance with sub. (2). If that person prevails in his or her action, the court shall
22 award to that person reasonable actual attorney fees in addition to other costs
23 allowed to prevailing parties under ch. 814.”.

24 **801.** Page 1108, line 25: substitute “be” for “include”.

1 **802.** Page 1109, line 3: delete the material beginning with “, and” and ending
2 with “board” on line 4 and substitute “, which shall be based solely on the pupil’s
3 academic performance”.

4 **803.** Page 1109, line 15: substitute “be” for “include”.

5 **804.** Page 1109, line 18: delete the material beginning with “, and” and ending
6 with “school” on line 19 and substitute “, which shall be based solely on the pupil’s
7 academic performance”.

8 **805.** Page 1111, line 15: after “paid” insert “per pupil”.

9 **806.** Page 1117, line 12: after that line insert:

10 “**SECTION 2109c.** 119.23 (1) of the statutes is renumbered 119.23 (1) (intro.) and
11 amended to read:

12 119.23 (1) (intro.) In this section, “~~membership~~”:

13 (a) “Membership” has the meaning given in s. 121.004 (5).

14 **SECTION 2109g.** 119.23 (1) (b) and (c) of the statutes are created to read:

15 119.23 (1) (b) “Summer average daily membership equivalent” has the
16 meaning given in s. 121.004 (8).

17 (c) “Summer choice average daily membership equivalent” means the summer
18 average daily membership equivalent of pupils who were attending a private school
19 under this section on the 2nd Friday of January of the school term immediately
20 preceding that summer or whose applications have been accepted under sub. (3) for
21 attendance at the private school in the school term immediately following that
22 summer.”.

23 **807.** Page 1117, line 12: after that line insert:

24 “**SECTION 2108m.** 119.04 (1) of the statutes is amended to read:

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
2 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
3 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,
4 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,
5 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.165, 118.30
6 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),
7 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a
8 1st class city school district and board.”.

9 **808.** Page 1117, line 20: before “(intro.)” insert “(b)”.

10 **809.** Page 1117, line 22: after “(4)” insert “(b)”.

11 **810.** Page 1117, line 23: after “school” insert “during a school term”.

12 **811.** Page 1118, line 3: delete “(a)”.

13 **812.** Page 1118, line 8: delete “(b)” and substitute “(c)”.

14 **813.** Page 1118, line 8: delete “(a)” and substitute “(b)”.

15 **814.** Page 1118, line 9: after “May.” insert “The state superintendent may
16 include the entire amount under sub. (4m) in one of those instalments or apportion
17 the entire amount among one or more of those instalments.”.

18 **815.** Page 1118, line 11: after that line insert:

19 “**SECTION 2109q.** 119.23 (4) (a) of the statutes is created to read:

20 119.23 (4) (a) Annually, on or before October 15, a private school participating
21 in the program under this section shall file with the department a report stating its
22 summer average daily membership equivalent and its summer choice average daily
23 membership equivalent for the purpose of sub. (4m).”.

1 **816.** Page 1118, line 12: substitute “(b)” for “(a)”.

2 **817.** Page 1118, line 13: substitute “(b)” for “(a)”.

3 **818.** Page 1118, line 14: after “paid” insert “per pupil”.

4 **819.** Page 1118, line 14: after that line insert:

5 “**SECTION 2109s.** 119.23 (4m) of the statutes is created to read:

6 119.23 **(4m)** Beginning in the 1999–2000 school year, in addition to the
7 payment under sub. (4) the state superintendent shall pay to the parent or guardian
8 of each pupil enrolled in a private school under this section, in the manner described
9 in sub. (4) (c), an amount determined by multiplying the payment under sub. (4) by
10 the quotient determined by dividing the summer choice average daily membership
11 equivalent of the private school by the total number of pupils for whom payments are
12 being made under sub. (4).”.

13 **820.** Page 1119, line 8: after that line insert:

14 “**SECTION 2114a.** 119.48 (4) (b) and (c) of the statutes are amended to read:

15 119.48 **(4)** (b) The communication shall state the purposes for which the funds
16 from the increase in the levy rate will be used and shall request the common council
17 to submit to the voters of the city the question of exceeding the levy rate specified in
18 s. 65.07 (1) (f) at the ~~September election or a special~~ an election authorized under s.
19 8.065.

20 (c) Upon receipt of the communication, the common council shall cause the
21 question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to
22 the voters of the city at the ~~September election or at a special~~ next election authorized
23 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner
24 than 45 days after receipt of the communication. The question of exceeding the levy

1 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in
2 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07
3 (1) (f) is taken separately from any other question submitted to the voters. If a
4 majority of the electors voting on the question favors exceeding the levy rate specified
5 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
6 and shall levy and collect a tax equal to the amount of money approved by the
7 electors.

8 **SECTION 2116a.** 119.49 (1) (b) of the statutes is amended to read:

9 119.49 (1) (b) The communication shall state the amount of funds needed under
10 par. (a) and the purposes for which the funds will be used and shall request the
11 common council to submit to the voters of the city at the next election authorized
12 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city
13 not sooner than 45 days after receipt of the communication the question of issuing
14 school bonds in the amount and for the purposes stated in the communication.

15 **SECTION 2116b.** 119.49 (2) of the statutes is amended to read:

16 119.49 (2) Upon receipt of the communication, the common council shall cause
17 the question of issuing such school bonds in the stated amount and for the stated
18 school purposes to be submitted to the voters of the city at the next election held in
19 the city authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that
20 occurs not sooner than 45 days after the date of receipt of the communication. The
21 question of issuing such school bonds shall be submitted upon a separate ballot or
22 in some other manner so that the vote upon issuing such school bonds is taken
23 separately from any other question submitted to the voters. If a majority of the
24 electors voting on the school bond question favors issuing such school bonds, the
25 common council shall cause the school bonds to be issued immediately or within the

1 period permitted by law, in the amount requested by the board and in the manner
2 other bonds are issued.”.

3 **821.** Page 1121, line 18: after that line insert:

4 “**SECTION 2124m.** 120.12 (15) of the statutes is amended to read:

5 120.12 **(15)** SCHOOL HOURS. Establish rules scheduling the hours of a normal
6 school day. The school board may differentiate between the various elementary and
7 high school grades in scheduling the school day. The equivalent of 180 such days, as
8 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall
9 not be construed to eliminate a school district’s duty to bargain with the employe’s
10 collective bargaining representative over any calendaring proposal which is
11 primarily related to wages, hours and conditions of employment.”.~~

12 **822.** Page 1121, line 18: after that line insert:

13 “**SECTION 2124m.** 120.12 (26) of the statutes is created to read:

14 120.12 **(26)** SCHOOL SAFETY PLANS. Have in effect a school safety plan for each
15 school in the school district.

16 **SECTION 2124t.** 120.13 (1) (b) of the statutes is amended to read:

17 120.13 **(1)** (b) The school district administrator or any principal or teacher
18 designated by the school district administrator also may make rules, with the
19 consent of the school board, and may suspend a pupil for not more than 5 school days
20 or, if a notice of expulsion hearing has been sent under par. (c) 4 or (e) 4. or s. 119.25
21 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with
22 such rules or school board rules, or for knowingly conveying any threat or false
23 information concerning an attempt or alleged attempt being made or to be made to
24 destroy any school property by means of explosives, for conduct by the pupil while

1 at school or while under the supervision of a school authority which endangers the
2 property, health or safety of others, or for conduct while not at school or while not
3 under the supervision of a school authority which endangers the property, health or
4 safety of others at school or under the supervision of a school authority or endangers
5 the property, health or safety of any employe or school board member of the school
6 district in which the pupil is enrolled. In this paragraph, conduct that endangers a
7 person or property includes making a threat to the health or safety of a person or
8 making a threat to damage property. Prior to any suspension, the pupil shall be
9 advised of the reason for the proposed suspension. The pupil may be suspended if
10 it is determined that the pupil is guilty of noncompliance with such rule, or of the
11 conduct charged, and that the pupil's suspension is reasonably justified. The parent
12 or guardian of a suspended minor pupil shall be given prompt notice of the
13 suspension and the reason for the suspension. The suspended pupil or the pupil's
14 parent or guardian may, within 5 school days following the commencement of the
15 suspension, have a conference with the school district administrator or his or her
16 designee who shall be someone other than a principal, administrator or teacher in
17 the suspended pupil's school. If the school district administrator or his or her
18 designee finds that the pupil was suspended unfairly or unjustly, or that the
19 suspension was inappropriate, given the nature of the alleged offense, or that the
20 pupil suffered undue consequences or penalties as a result of the suspension,
21 reference to the suspension on the pupil's school record shall be expunged. Such
22 finding shall be made within 15 days of the conference. A pupil suspended under this
23 paragraph shall not be denied the opportunity to take any quarterly, semester or
24 grading period examinations or to complete course work missed during the

1 suspension period, as provided in the attendance policy established under s. 118.16
2 (4) (a).

3 **SECTION 2124u.** 120.13 (1) (c) 1. of the statutes is amended to read:

4 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it
5 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a
6 pupil knowingly conveyed or caused to be conveyed any threat or false information
7 concerning an attempt or alleged attempt being made or to be made to destroy any
8 school property by means of explosives, or finds that the pupil engaged in conduct
9 while at school or while under the supervision of a school authority which
10 endangered the property, health or safety of others, or finds that a pupil while not
11 at school or while not under the supervision of a school authority engaged in conduct
12 which endangered the property, health or safety of others at school or under the
13 supervision of a school authority or endangered the property, health or safety of any
14 employe or school board member of the school district in which the pupil is enrolled,
15 and is satisfied that the interest of the school demands the pupil's expulsion. In this
16 subdivision, conduct that endangers a person or property includes making a threat
17 to the health or safety of a person or making a threat to damage property.".

18 **823.** Page 1121, line 18: after that line insert:

19 "SECTION 2124m. 120.13 (14) of the statutes is amended to read:

20 120.13 (14) DAY CARE PROGRAMS. Establish and provide or contract for the
21 provision of day care programs for children. The school board may receive federal
22 or state funds for this purpose. The school board may charge a fee for all or part of
23 the cost of the service for participation in a day care program established under this
24 subsection. Costs associated with a day care program under this subsection may not

1 be included in shared costs under s. 121.07 (6). Day care programs established under
2 this subsection shall meet the standards for licensed day care centers established by
3 the department of health and family services. If a school board proposes to contract
4 for or renew a contract for the provision of a day care program under this subsection
5 or if on July 1, 1996, a school board is a party to a contract for the provision of a day
6 care program under this subsection, the school board shall refer the contractor or
7 proposed contractor to the department of health and family services for the criminal
8 history and child abuse record search required under s. 48.685. Each school board
9 shall provide the department of health and family services with information about
10 each person who is denied a contract for a reason specified in s. 48.685 ~~(2)~~ (4m) (a)
11 1. to 5.”.

12 **824.** Page 1122, line 21: delete lines 21 and 22 and substitute “follows or, if
13 appropriate, as a number equal to the result obtained by multiplying the following
14 number by the appropriate fraction under par. (c), (cm) or (d):

- 15 1. In the 1999–2000 school year, 1.0 pupil.
- 16 2. In the 2000–01 school year, 0.75 pupil.
- 17 3. In the 2001–02 school year, 0.50 pupil.
- 18 4. In the 2002–03 school year, 0.25 pupil.
- 19 5. In the 2003–04 school year and thereafter, 0 pupil.”.

20 **825.** Page 1122, line 22: after that line insert:

21 “SECTION 2128m. 121.02 (1) (L) 5. of the statutes is repealed.”.

22 **826.** Page 1122, line 22: after that line insert:

23 “SECTION 2128m. 121.004 (8) of the statutes is amended to read:

1 121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. “Summer average
2 daily membership equivalent” is the ~~sum of all~~ total number of minutes in which
3 pupils are enrolled in academic summer classroom classes or laboratory periods in
4 ~~which each pupil is enrolled as determined by multiplying the total number of~~
5 ~~periods in each day in which the pupil is enrolled by the total number of days for~~
6 ~~which the pupil is enrolled, as defined by the state superintendent under s. 121.14,~~
7 divided by 1,080 48,600.”

8 **827.** Page 1123, line 7: after that line insert:

9 “**SECTION 2131d.** 121.05 (1) (a) 8. of the statutes is amended to read:

10 121.05 (1) (a) 8. Pupils enrolled in ~~a residential school operated by the state~~ the
11 Wisconsin School for the Deaf or the school operated by the Wisconsin Center for the
12 Blind and Visually Impaired under subch. III of ch. 115 for whom the school district
13 is paying tuition under s. 115.53 (2) determined by multiplying the total number of
14 periods in each day in which the pupils are enrolled in the local public school by the
15 total number of days for which the pupils are enrolled in the local public school and
16 dividing the product by 1,080.”.

17 **828.** Page 1124, line 21: delete “ss. 118.40 (2r) (e) and 119.23 (4)” and
18 substitute “s. 118.40 (2r)”.

19 **829.** Page 1124, line 24: after “(ac)” insert “, calculated as if the reduction
20 under par. (c) had not occurred”.

21 **830.** Page 1125, line 2: after “(ac)” insert “, calculated as if the reduction under
22 par. (c) had not occurred,”.

23 **831.** Page 1125, line 2: after that line insert:

1 “(b) The amount of state aid that the school district operating under ch. 119 is
2 eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced
3 by 50% of the amounts paid under s. 119.23 (4) and (4m) in the current school year.

4 (c) The amount of state aid that each school district other than the school
5 district operating under ch. 119 is eligible to be paid from the appropriation under
6 s. 20.255 (2) (ac) shall also be reduced by an amount calculated as follows:

7 1. Add the amounts paid under s. 119.23 (4) and (4m) in the current school year
8 and divide the sum by 2.

9 2. Divide the result obtained under subd. 1. by the total amount of state aid that
10 all school districts other than the school district operating under ch. 119 are eligible
11 to be paid from the appropriation under s. 20.255 (2) (ac), calculated as if the
12 reduction under par. (a) had not occurred.

13 3. Multiply the amount of state aid that the school district is eligible to be paid
14 from the appropriation under s. 20.225 (2) (ac), calculated as if the reduction under
15 par. (a) had not occurred, by the quotient under subd. 2.”.

16 **832.** Page 1125, line 3: substitute “(d)” for “(b)”.

17 **833.** Page 1125, line 4: delete “par. (a)” and substitute “pars. (a) to (c)”.

18 **834.** Page 1127, line 17: after that line insert:

19 “**SECTION 2142m.** 121.54 (3) of the statutes is amended to read:

20 121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board
21 shall provide transportation for children with disabilities, as defined in s. 115.76 (5),
22 to any public or private elementary or high school, to the ~~Wisconsin school for the~~
23 ~~visually handicapped school operated by the Wisconsin Center for the Blind and~~
24 Visually Impaired or the Wisconsin school School for the deaf Deaf or to any special

1 education program for children with disabilities sponsored by a state tax-supported
2 institution of higher education, including a technical college, regardless of distance,
3 if the request for such transportation is approved by the state superintendent.
4 Approval shall be based on whether or not the child can walk to school with safety
5 and comfort. Section 121.53 shall apply to transportation provided under this
6 subsection.”.

7 **835.** Page 1129, line 19: delete the material beginning with that line and
8 ending with page 1130, line 14, and substitute:

9 “121.85 (6) (ar) *Hold harmless.* The department shall pay to the school district
10 operating under ch. 119 the amount of aid to which the school district is entitled
11 under par. (a), as reduced by par. (am), or \$30,000,000, whichever is less.”.

12 **836.** Page 1135, line 3: after that line insert:

13 “**SECTION 2156a.** 121.91 (3) (a) of the statutes is amended to read:

14 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
15 otherwise applicable to the school district in any school year, it shall promptly adopt
16 a resolution supporting inclusion in the final school district budget of an amount
17 equal to the proposed excess revenue. The resolution shall specify whether the
18 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
19 proposed excess revenue is for both recurring and nonrecurring purposes, the
20 amount of the proposed excess revenue for each purpose. Within 10 days after
21 adopting the resolution, the school board shall notify the department of the
22 scheduled date of the referendum and submit a copy of the resolution to the
23 department. The school board shall call a ~~special~~ referendum in accordance with s.
24 8.065 for the purpose of submitting the resolution to the electors of the school district

1 for approval or rejection. ~~In lieu of a special referendum, the school board may~~
2 ~~specify that the referendum be held at the next succeeding spring primary or election~~
3 ~~or September primary or general election, if such election is,~~ to be held not earlier
4 sooner than 35 days after the adoption of the resolution of the school board. The
5 school district clerk shall certify the results of the referendum to the department
6 within 10 days after the referendum is held.”.

7 **837.** Page 1136, line 1: substitute “2000–01” for “1999–2000”.

8 **838.** Page 1137, line 5: after that line insert:

9 “SECTION 2164r. 125.12 (1) (a) of the statutes is amended to read:

10 125.12 (1) (a) Except as provided in ~~par. (b)~~ this subsection, any municipality
11 or the department may revoke, suspend or refuse to renew any license or permit
12 under this chapter, as provided in this section.

13 SECTION 2164s. 125.12 (1) (c) of the statutes is created to read:

14 125.12 (1) (c) Neither a municipality nor the department may consider an
15 arrest or conviction for a violation punishable under s. 945.03 (2m), 945.04 (2m) or
16 945.05 (1m) in any action to revoke, suspend or refuse to renew a Class “B” or “Class
17 B” license or permit.”.

18 **839.** Page 1138, line 8: after that line insert:

19 “SECTION 2165g. 125.51 (3) (am) of the statutes is amended to read:

20 125.51 (3) (am) A “Class B” license issued to a winery authorizes the sale of
21 wine to be consumed by the glass or in opened containers only on the premises where
22 sold and also authorizes the sale of wine in the original package or container to be
23 consumed off the premises where sold, but does not authorize the sale of fermented
24 malt beverages or any intoxicating liquor other than wine. A restaurant for which

1 a permit is issued under s. 125.535 shall not be considered a winery under this
2 paragraph.”.

3 **840.** Page 1139, line 11: after that line insert:

4 “**SECTION 2165m.** 134.66 (2) (a) of the statutes is amended to read:

5 134.66 (2) (a) No retailer, manufacturer, distributor, jobber or subjobber, no
6 agent, employe or independent contractor of a retailer, manufacturer, distributor,
7 jobber or subjobber and no agent or employe of an independent contractor may sell
8 or provide for nominal or no consideration cigarettes or tobacco products to any
9 person under the age of 18, except as provided in s. ~~938.983 (3)~~ 254.92 (2) (a). A
10 vending machine operator is not liable under this paragraph for the purchase of
11 cigarettes or tobacco products from his or her vending machine by a person under the
12 age of 18 if the vending machine operator was unaware of the purchase.

13 **SECTION 2165n.** 134.66 (2) (b) 1. of the statutes is amended to read:

14 134.66 (2) (b) 1. A retailer shall post a sign in areas within his or her premises
15 where cigarettes or tobacco products are sold to consumers stating that the sale of
16 any cigarette or tobacco product to a person under the age of 18 is unlawful under
17 this section and s. ~~938.983~~ 254.92.

18 **SECTION 2165p.** 134.66 (2) (b) 2. of the statutes is amended to read:

19 134.66 (2) (b) 2. A vending machine operator shall attach a notice in a
20 conspicuous place on the front of his or her vending machines stating that the
21 purchase of any cigarette or tobacco product by a person under the age of 18 is
22 unlawful under s. ~~938.983~~ 254.92 and that the purchaser is subject to a forfeiture of
23 not to exceed \$25.”.

24 **841.** Page 1139, line 11: after that line insert:

1 **“SECTION 2166a.** 138.052 (5) (am) 2. a. of the statutes is amended to read:

2 138.052 (5) (am) 2. a. On January 1, 1994, and annually thereafter, the division
3 of banking for banks, the division of savings ~~and loan~~ institutions for savings and
4 loan associations and savings banks and the office of credit unions for credit unions
5 shall determine the interest rate that is the average of the interest rates paid,
6 rounded to the nearest one–hundredth of a percent, on regular passbook deposit
7 accounts by institutions under the division’s or office’s jurisdiction at the close of the
8 last quarterly reporting period that ended at least 30 days before the determination
9 is made.

10 **SECTION 2167a.** 138.052 (5) (am) 2. b. of the statutes is amended to read:

11 138.052 (5) (am) 2. b. The office of credit unions and the division of banking
12 shall report the rate calculated to the division of savings ~~and loan~~ institutions within
13 5 days after the date on which the determination is made. The division of savings
14 ~~and loan~~ institutions shall calculate the average, rounded to the nearest
15 one–hundredth of a percent, of the 3 rates and report that interest rate to the revisor
16 of statutes within 5 days after the date on which the determination is made.

17 **SECTION 2168a.** 138.055 (4) (a) of the statutes is amended to read:

18 138.055 (4) (a) The division of savings ~~and loan~~ institutions, if the lender is a
19 savings and loan association or savings bank;

20 **SECTION 2169a.** 138.056 (1) (a) 4. a. of the statutes is amended to read:

21 138.056 (1) (a) 4. a. The division of savings ~~and loan~~ institutions, if the lender
22 is a savings and loan association or savings bank;”.

23 **842.** Page 1139, line 11: after that line insert:

24 **“SECTION 2165m.** 125.51 (4) (v) 2. of the statutes is amended to read:

1 125.51 (4) (v) 2. A hotel that has 400 50 or more rooms of sleeping
2 accommodations and that has either an attached restaurant with a seating capacity
3 of 150 or more persons or a banquet room in which banquets attended by 400 or more
4 persons may be held.”.

5 **843.** Page 1139, line 11: after that line insert:

6 “**SECTION 2165m.** 125.535 of the statutes is created to read:

7 **125.535 Restaurant-winery permit.** The department shall issue a
8 restaurant-winery permit authorizing the retail sale of wine manufactured on the
9 premises for consumption on the premises where sold or in an original unopened
10 package or container for consumption off the premises where sold. The department
11 may issue a restaurant-winery permit to any person who is qualified under s. 125.04
12 (5) and who holds a valid certificate under s. 73.03 (50). A restaurant-winery permit
13 may be issued only for a restaurant in which the sale of alcohol beverages accounts
14 for less than 50% of gross receipts and that manufactures less than 2,500 gallons of
15 wine per year. A restaurant issued a permit under this section shall not be
16 considered a winery for purposes of s. 125.51 (3) (am).

17 **SECTION 2165p.** 125.69 (1) (a) of the statutes is renumbered 125.69 (1) (a) 1.
18 and amended to read:

19 125.69 (1) (a) 1. ~~No Except as provided in subds. 2. and 3., no intoxicating liquor~~
20 manufacturer, rectifier or wholesaler may hold any direct or indirect interest in any
21 “Class A” license or establishment and no “Class A” licensee may hold any direct or
22 indirect interest in a wholesale permit or establishment, ~~except that a~~.

23 2. A winery that ~~has~~ holds a permit under s. 125.53 may have an ownership
24 interest in a “Class A” license.

1 **SECTION 2165t.** 125.69 (1) (a) 3. of the statutes is created to read:

2 125.69 (1) (a) 3. A restaurant that holds a permit under s. 125.535 may hold
3 a “Class A” license.

4 **SECTION 2165w.** 125.69 (1) (b) 1. of the statutes is amended to read:

5 125.69 (1) (b) 1. Except as provided under subds. 2. to ~~4.~~ 5., no intoxicating
6 liquor manufacturer, rectifier or wholesaler may hold any direct or indirect interest
7 in any “Class B” license or permit or establishment or “Class C” license or
8 establishment and no “Class B” licensee or permittee or “Class C” licensee may hold
9 any direct or indirect interest in a wholesale permit or establishment.

10 **SECTION 2165y.** 125.69 (1) (b) 5. of the statutes is created to read:

11 125.69 (1) (b) 5. A restaurant that holds a permit under s. 125.535 may hold
12 a “Class B” license or permit or a “Class C” license.”.

13 **844.** Page 1139, line 11: after that line insert:

14 “**SECTION 2165L.** 125.51 (3m) (c) of the statutes is amended to read:

15 125.51 (3m) (c) A “Class C” license may be issued to a person qualified under
16 s. 125.04 (5) for a restaurant in which the sale of alcohol beverages accounts for less
17 than 50% of gross receipts and which does not have a barroom ~~if the municipality’s~~
18 ~~quota under sub. (4) prohibits the municipality from issuing a “Class B” license to~~
19 ~~that person or for a restaurant in which the sale of alcohol beverages accounts for less~~
20 ~~than 50% of gross receipts and which has a barroom in which wine is the only~~
21 intoxicating liquor sold. A “Class C” license may not be issued to a foreign
22 corporation, a foreign limited liability company or a person acting as agent for or in
23 the employ of another.”.

24 **845.** Page 1139, line 23: after that line insert:

1 spending at least 48 hours in that foreign country, with the purpose of entering this
2 state may have in that person's possession and bring into the state intoxicating
3 liquor or wine in sealed original containers in amounts not to exceed, in the
4 aggregate, 4 liters without payment of the tax imposed under this subchapter. The
5 4 liters of tax-free intoxicating liquor and wines may not be sent, shipped or carried
6 into the state other than in the immediate possession of the person as qualified by
7 this subsection.

8 **SECTION 2169t.** 139.03 (5) (b) 2. of the statutes is created to read:

9 139.03 (5) (b) 2. A person who is a member of the national guard, the U. S.
10 armed forces or a reserve component of the U. S. armed forces; who is a state resident;
11 and who leaves a foreign country, after spending at least 48 hours in that foreign
12 country on duty or for training, with the purpose of entering into this state may bring
13 into the state, in sealed original containers and in the person's immediate possession,
14 intoxicating liquor and wine in an aggregate amount not exceeding 16 liters without
15 paying the tax imposed under this subchapter on that amount.”.

16 **848.** Page 1140, line 3: delete that line.

17 **849.** Page 1140, line 22: delete “70%” and substitute “50%”.

18 **850.** Page 1140, line 25: delete the material beginning with that line and
19 ending with page 1142, line 6.

20 **851.** Page 1144, line 9: delete “70%” and substitute “50%”.

21 **852.** Page 1144, line 23: after that line insert:

22 “**SECTION 2182j.** Subchapter V of chapter 139 [precedes 139.97] of the statutes
23 is created to read:

1 **(4)** The department of revenue shall deposit the taxes collected under this
2 subchapter in the fund under s. 25.62.”.

3 **853.** Page 1144, line 23: after that line insert:

4 “**SECTION 2188m.** 145.02 (5) of the statutes is created to read:

5 145.02 **(5)** Notwithstanding subs. (2) and (3), the department may not
6 promulgate or enforce a rule that requires the owner of a private sewage system to
7 discontinue use of the private sewage system and connect to a public sewer because
8 a public sewer becomes available.”.

9 **854.** Page 1156, line 10: after “(b)” insert “1. to 7.”.

10 **855.** Page 1156, line 21: delete lines 21 and 22.

11 **856.** Page 1158, line 3: after that line insert:

12 “8. A person who is designated as a poison information provider, annually
13 receives at least 16 documented hours of job–relevant continuing education and has
14 an appropriate health–oriented background.”.

15 **857.** Page 1158, line 4: delete lines 4 to 11.

16 **858.** Page 1158, line 11: after that line insert:

17 “**SECTION 2252m.** 146.81 (1) (eq) of the statutes is created to read:

18 146.81 **(1)** (eq) An athletic trainer licensed under subch. VI of ch. 448.”.

19 **859.** Page 1158, line 11: after that line insert:

20 “**SECTION 2252gm.** 146.819 (4) (e) of the statutes is repealed.”.

21 **860.** Page 1158, line 11: after that line insert:

22 “**SECTION 2251r.** 146.84 (3) of the statutes is amended to read:

1 146.84 (3) DISCIPLINE OF EMPLOYEES. Any person employed by the state, or any
2 political subdivision of the state who violates s. 146.82 or 146.83, except a health care
3 provider that negligently violates s. 153.50 (6) (c), may be discharged or suspended
4 without pay.”.

5 **861.** Page 1158, line 19: delete lines 19 to 21 and substitute “commencement
6 of each fiscal year, ~~estimate the total amount of expenditures and the department~~
7 ~~shall assess the estimated total amount under s. 20.435 (1) (gp) to hospitals, as~~
8 defined in s. 50.33 (2), a total of \$1,500,000, in proportion to each hospital’s respective
9 gross”.

10 **862.** Page 1169, line 20: after that line insert:

11 “**SECTION 2277r.** 149.165 (2) (intro.) of the statutes is amended to read:

12 149.165 (2) (intro.) If Subject to sub. (3m), if the household income, as defined
13 in s. 71.52 (5) and as determined under sub. (3), of an eligible person is equal to or
14 greater than the first amount and less than the 2nd amount listed in any of the
15 following, the department shall reduce the premium for the eligible person to the rate
16 shown after the amounts:

17 **SECTION 2277t.** 149.165 (3m) of the statutes is created to read:

18 149.165 (3m) Upon request of the board, the joint committee on finance may
19 approve or disapprove adjustment, by the board or the department, of the household
20 income dollar amounts listed in sub. (2) (a) to (d), except for the first dollar amount
21 listed in sub. (2) (a), to reflect changes in the consumer price index for all urban
22 consumers, U.S. city average, as determined by the U.S. department of labor. With
23 any request for approval of adjustment under this subsection, the board shall submit
24 to the joint committee on finance the proposed adjusted amounts.”.

1 **863.** Page 1170, line 5: delete the material beginning with “The department”
2 and ending with “requirements.” on line 8 and substitute “The department shall
3 consult with the board on prior authorization policy before establishing any prior
4 authorization requirements under the plan.”.

5 **864.** Page 1170, line 11: after that line insert:

6 “**SECTION 2278rm.** 150.84 (2) of the statutes is amended to read:

7 150.84 (2) “Health care facility” means a facility, as defined in s. 647.01 (4), or
8 any hospital, nursing home, community–based residential facility, county home,
9 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
10 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
11 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
12 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

13 **865.** Page 1170, line 18: after that line insert:

14 “**SECTION 2280b.** 153.45 (1) (b) of the statutes is renumbered 153.45 (1) (b) 1.
15 and amended to read:

16 153.45 (1) (b) 1. Public For information that is submitted by hospitals or
17 ambulatory surgery centers, public use data files which that do not permit the
18 identification of specific patients, employers or health care providers, as defined by
19 rules promulgated by the department. The identification of these groups patients,
20 employers or health care providers shall be protected by all necessary means,
21 including the deletion of patient identifiers and the use of calculated variables and
22 aggregated variables.

23 **SECTION 2280c.** 153.45 (1) (b) 2. of the statutes is created to read:

1 153.45 (1) (b) 2. For information that is submitted by health care providers
2 other than hospitals or ambulatory surgery centers, public use data files that do not
3 permit the identification of specific patients, employers or health care providers, as
4 defined by rules promulgated by the department. The identification of patients,
5 employers or health care providers shall be protected by all necessary means,
6 including the deletion of patient identifiers; the use of calculated variables and
7 aggregated variables; the specification of counties as to residence, rather than zip
8 codes; the use of 5–year categories for age, rather than exact age; not releasing
9 information concerning a patient’s race or ethnicity or dates of admission, discharge,
10 procedures or visits; and masking sensitive diagnoses and procedures by use of
11 larger diagnostic and procedure categories. Public use data files under this
12 subdivision may include only the following:

- 13 a. The patient’s county of residence.
- 14 b. The payment source, by type.
- 15 c. The patient’s age category, by 5–year intervals up to age 80 and a category
16 of 80 years or older.
- 17 d. The patient’s procedure code.
- 18 e. The patient’s diagnosis code.
- 19 f. Charges assessed with respect to the procedure code.
- 20 g. The name and address of the facility in which the patient’s services were
21 rendered.
- 22 h. The patient’s sex.
- 23 i. Information that contains the name of a health care provider that is not a
24 hospital or ambulatory surgery center, if the privacy institutional review board first
25 reviews and approves the release or if the department promulgates rules that specify

1 circumstances under which the privacy institutional review board need not review
2 and approve the release.

3 j. Calendar quarters of service.

4 k. Information other than patient–identifiable data, as defined in s. 153.50 (1)
5 (b), as approved by the privacy institutional review board.

6 **SECTION 2280d.** 153.45 (1) (b) 3. of the statutes is created to read:

7 153.45 (1) (b) 3. Public use data files that specify calendar quarters of service,
8 rather than date of service, except if the department specifies by rule that the
9 number of data elements included in the public use data file is too small to enable
10 protection of patient confidentiality.

11 **SECTION 2280e.** 153.45 (1) (c) of the statutes is renumbered 153.45 (1) (c)
12 (intro.) and amended to read:

13 153.45 (1) (c) (intro.) Custom–designed reports containing portions of the data
14 under par. (b). Of information submitted by health care providers that are not
15 hospitals or ambulatory surgery centers, requests under this paragraph for data
16 elements other than those available for public use data files under par. (b) 2.,
17 including the patient’s month and year of birth, require review and approval by the
18 privacy institutional review board before the data elements may be released.
19 Information that contains the name of a health care provider that is not a hospital
20 or ambulatory surgery center may be released only if the privacy institutional review
21 board first reviews and approves the release or if the department promulgates rules
22 that specify circumstances under which the privacy institutional review board need
23 not review and approve the release. Reports under this paragraph may include the
24 patient’s zip code only if at least one of the following applies:

25 **SECTION 2280f.** 153.45 (1) (c) 1. to 4. of the statutes are created to read:

1 153.45 (1) (c) 1. Other potentially identifying data elements are not released.

2 2. Population density is sufficient to mask patient identity.

3 3. Other potentially identifying data elements are grouped to provide
4 population density sufficient to protect identity.

5 4. Multiple years of data elements are added to protect identity.

6 **SECTION 2280g.** 153.45 (6) of the statutes is created to read:

7 153.45 (6) The department may not sell or distribute data bases of information,
8 from health care providers who are not hospitals or ambulatory surgery centers, that
9 are able to be linked with public use data files, unless first approved by the privacy
10 institutional review board.

11 **SECTION 2280ge.** 153.50 (1) (a) of the statutes is renumbered 153.01 (2m).

12 **SECTION 2280gg.** 153.50 (1) (b) of the statutes is renumbered 153.50 (1) (b) 1.,
13 and 153.50 (1) (b) 1. (intro.), b., c., i. and j., as renumbered, are amended to read:

14 153.50 (1) (b) 1. (intro.) “Patient–identifiable data”, for information submitted
15 by hospitals and ambulatory surgery centers, means all of the following data
16 elements:

17 b. Patient control or account number.

18 c. Patient date of birth age category.

19 i. Patient’s employer’s name or school name.

20 j. Insured’s sex and date of birth.

21 **SECTION 2280gm.** 153.50 (1) (b) 2. of the statutes is created to read:

22 153.50 (1) (b) 2. “Patient–identifiable data”, for information submitted by
23 health care providers who are not hospitals or ambulatory surgery centers, means
24 all of the following data elements:

25 a. Data elements specified in subd. 1. a. to g.

1 b. Whether the patient's condition is related to employment, and occurrence
2 and place of an auto accident or other accident.

3 c. Date of first symptom of current illness, of current injury or of current
4 pregnancy.

5 d. First date of patient's same or similar illness, if any.

6 e. Dates that the patient has been unable to work in his or her current
7 occupation.

8 f. Dates of receipt by patient of medical service.

9 g. The patient's city, town or village.

10 **SECTION 2280h.** 153.50 (2) of the statutes is repealed.

11 **SECTION 2280i.** 153.50 (3) (b) 7. of the statutes is created to read:

12 153.50 (3) (b) 7. The patient's account number, after use only as verification of
13 data by the department.

14 **SECTION 2280j.** 153.50 (3) (c) of the statutes is created to read:

15 153.50 (3) (c) Develop, for use by purchasers of data under this chapter, a data
16 use agreement that specifies data use restrictions, appropriate uses of data and
17 penalties for misuse of data, and notify prospective and current purchasers of data
18 of the appropriate uses.

19 **SECTION 2280k.** 153.50 (3) (d) of the statutes is created to read:

20 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have
21 notarized the data use agreement of the department specified in par. (c).

22 **SECTION 2280km.** 153.50 (3m) of the statutes is created to read:

23 153.50 (3m) HEALTHCARE PROVIDER MEASURES TO ENSURE PATIENT IDENTITY
24 PROTECTION. A health care provider that is not a hospital or ambulatory surgery
25 center shall, before submitting information required by the department under this

1 chapter, convert to a payer category code as specified by the department any names
2 of an insured's payer or other insured's payer.

3 **SECTION 2280kp.** 153.50 (4) (intro.) of the statutes is renumbered 153.50 (4)
4 (a) (intro.) and amended to read:

5 153.50 (4) (a) (intro.) Under Except as specified in par. (b), under the
6 procedures specified in sub. (5), release of patient-identifiable data may be made
7 only to any of the following:

8 **SECTION 2280kq.** 153.50 (4) (a) of the statutes is repealed.

9 **SECTION 2280kr.** 153.50 (4) (b) to (e) of the statutes are renumbered 153.50 (4)
10 (a) 1. to 4.

11 **SECTION 2280ks.** 153.50 (4) (b) of the statutes is created to read:

12 153.50 (4) (b) Of information submitted by health care providers that are not
13 hospitals or ambulatory surgery centers, patient-identifiable data that contains a
14 patient's date of birth may be released under this subsection only under
15 circumstances as specified by rule by the department.

16 **SECTION 2280ku.** 153.50 (5) (a) (intro.) of the statutes is amended to read:

17 153.50 (5) (a) (intro.) The department may not release or provide access to
18 patient-identifiable data to a person authorized under sub. (4) (a), ~~(c), (d) or (e)~~
19 unless the authorized person requests the department, in writing, to release the
20 patient-identifiable data. The request shall include all of the following:

21 **SECTION 2280kv.** 153.50 (5) (a) 3. of the statutes is amended to read:

22 153.50 (5) (a) 3. For a person who is authorized under sub. (4) (a), ~~(c) or (d)~~ to
23 receive or have access to patient-identifiable data, evidence, in writing, that
24 indicates that authorization.

25 **SECTION 2280kw.** 153.50 (5) (a) 4. (intro.) of the statutes is amended to read:

1 153.50 (5) (a) 4. (intro.) For an entity that is authorized under sub. (4) ~~(e)~~ (a)
2 4. to receive or have access to patient–identifiable data, evidence, in writing, of all
3 of the following:

4 **SECTION 2280kx.** 153.50 (5) (b) 3. of the statutes is amended to read:

5 153.50 (5) (b) 3. For a person who believes that he or she is authorized under
6 sub. (4) (a), the action provided under s. 19.37.”.

7 **866.** Page 1170, line 22: after that line insert:

8 “**SECTION 2280p.** 153.50 (6) of the statutes is renumbered 153.50 (6) (a).

9 **SECTION 2280q.** 153.50 (6) (b), (c), (d) and (e) of the statutes are created to read:

10 153.50 (6) (b) The department may not require under this chapter a health care
11 provider that is a hospital or ambulatory surgery center to submit uniform patient
12 billing forms.

13 (c) A health care provider that is not a hospital or ambulatory surgery center
14 may not submit any of the following to the department under the requirements of
15 this chapter:

- 16 1. The data elements specified under sub. (3) (b).
- 17 2. The patient’s telephone number.
- 18 3. The insured’s employer’s name or school name.
- 19 4. Data regarding insureds other than the patient, other than the name of the
20 insured’s payer or other insured’s payer.
- 21 5. The patient’s employer’s name or school name.
- 22 6. The patient’s relationship to the insured.
- 23 7. The insured’s identification number.
- 24 8. The insured’s policy or group number.

1 9. The insured's date of birth or sex.

2 10. The patient's marital, employment or student status.

3 (d) If a health care provider that is not a hospital or ambulatory surgery center
4 submits a data element that is specified in par. (c) 1. to 10., the department shall
5 immediately return this information to the health care provider or, if discovered
6 later, shall remove and destroy the information.

7 (e) A health care provider may not submit information that uses any of the
8 following as a patient account number:

9 1. The patient's social security number or any substantial portion of the
10 patient's social security number.

11 2. A number that is related to another patient identifying number.

12 **SECTION 2280r.** 153.55 of the statutes is amended to read:

13 **153.55 Protection of health care provider confidentiality.** ~~Health care~~
14 ~~provider identifiable data~~ Data obtained under this chapter is not subject to
15 inspection, copying or receipt under s. 19.35 (1).”.

16 **867.** Page 1172, line 14: after that line insert:

17 “**SECTION 2283g.** 153.67 of the statutes is created to read:

18 **153.67 Privacy institutional review board.** The privacy institutional
19 review board shall review any request under s. 153.45 (1) (c) for data elements other
20 than those available for public use data files under s. 153.45 (1) (b). Unless the
21 privacy institutional review board approves such a request, the data elements
22 requested may not be released.

23 **SECTION 2283h.** 153.76 of the statutes is created to read:

1 **153.76 Rule-making by the privacy institutional review board.**

2 Notwithstanding s. 15.01 (1r), the privacy institutional review board may
3 promulgate only those rules that are first reviewed and approved by the board on
4 health care information.

5 **SECTION 2283k.** 153.90 (1) of the statutes is amended to read:

6 153.90 (1) Whoever intentionally violates s. 153.45 (5) or 153.50 or rules
7 promulgated under s. 153.75 (1) (a) may be fined not more than \$10,000 \$15,000 or
8 imprisoned for not more than ~~9 months~~ one year or both.”.

9 **868.** Page 1174, line 2: after that line insert:

10 “**SECTION 2283t.** 157.065 (3) of the statutes is renumbered 157.065 (3) (a).

11 **SECTION 2283u.** 157.065 (3) (b) of the statutes is created to read:

12 157.065 (3) (b) Any private school that provides an educational program for
13 grades 7 to 12 in a 4th class city may establish a private cemetery within the city on
14 land that the school owns, if the common council consents. No mausoleum within a
15 cemetery established under this paragraph may exceed 3,500 square feet in area.”.

16 **869.** Page 1174, line 2: after that line insert:

17 “**SECTION 2283rm.** 155.01 (6) of the statutes is amended to read:

18 155.01 (6) “Health care facility” means a facility, as defined in s. 647.01 (4), or
19 any hospital, nursing home, community-based residential facility, county home,
20 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
21 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
22 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
23 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

24 **870.** Page 1174, line 2: after that line insert:

1 “**SECTION 2287d.** 165.72 (title) of the statutes is amended to read:

2 **165.72** (title) **Controlled Dangerous weapons or criminal activity in**
3 **schools hotline; controlled substances hotline and rewards for controlled**
4 **substances tips.**

5 **SECTION 2287e.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

6 **SECTION 2287f.** 165.72 (1) (ad) of the statutes is created to read:

7 165.72 (1) (ad) “Dangerous weapon” has the meaning given in s. 939.22 (10).

8 **SECTION 2287g.** 165.72 (2) (intro.) of the statutes is amended to read:

9 165.72 (2) **HOTLINE.** (intro.) The department of justice shall maintain a single
10 toll-free telephone number during normal retail business hours, as determined by
11 departmental rule, for ~~both~~ all of the following:

12 **SECTION 2287h.** 165.72 (2) (c) of the statutes is created to read:

13 165.72 (2) (c) For persons to provide information anonymously regarding
14 dangerous weapons or criminal activity in public or private schools.

15 **SECTION 2287i.** 165.72 (2g) of the statutes is created to read:

16 165.72 (2g) **AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS**
17 **IN SCHOOLS.** If a call is made outside of normal retail business hours to the telephone
18 number maintained under sub. (2), the department shall provide for the call to be
19 received by a telephone answering system or service. The telephone answering
20 system or service shall provide a recorded message that requests the person calling
21 to call the telephone number “911” or a local law enforcement agency if the person
22 is calling to provide information regarding dangerous weapons or criminal activity
23 in a school.

24 **SECTION 2287j.** 165.72 (2m) of the statutes is created to read:

1 165.72 **(2m)** TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN
2 SCHOOLS. Immediately upon receiving any information under sub. (2) (c) regarding
3 dangerous weapons or criminal activity in a school, or immediately at the beginning
4 of the next retail business day if the information is not received during normal retail
5 business hours, the department shall provide the information to all of the following:

6 (a) The administration of the school.

7 (b) The appropriate law enforcement agency for the municipality in which the
8 school is located.

9 **SECTION 2287k.** 165.72 (7) of the statutes is amended to read:

10 165.72 **(7)** PUBLICITY. The department shall cooperate with the department of
11 public instruction in publicizing, in public and private schools, the use of the toll-free
12 telephone number under sub. (2).”.

13 **871.** Page 1174, line 14: after that line insert:

14 “**SECTION 2288g.** 165.76 (1) (a) of the statutes, as affected by 1999 Wisconsin
15 Act (this act), is amended to read:

16 165.76 **(1)** (a) Is in a secured correctional facility, as defined in s. 938.02 (15m),
17 or a secured child caring institution, as defined in s. 938.02 (15g), or a secured group
18 home, as defined in s. 938.02 (15p), or on probation, extended supervision, parole,
19 supervision or aftercare supervision on or after August 12, 1993, for any violation of
20 s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.”.

21 **872.** Page 1175, line 9: after that line insert:

22 “**SECTION 2289d.** 165.76 (2) (b) 2. of the statutes is amended to read:

23 165.76 **(2)** (b) 2. If the person has been sentenced to prison or placed in a secured
24 correctional facility ~~or~~, a secured child caring institution or a secured group home,

1 he or she shall provide the specimen under par. (a) at the office of a county sheriff as
2 soon as practicable after release on parole, extended supervision or aftercare
3 supervision, as directed by his or her probation, extended supervision and parole
4 agent or aftercare agent, except that the department of corrections or the county
5 department under s. 46.215, 46.22 or 46.23 operating the secured group home in
6 which the person is placed may require the person to provide the specimen while he
7 or she is in prison or in a the secured correctional facility ~~or a~~ secured child caring
8 institution or secured group home.”.

9 **873.** Page 1176, line 24: after that line insert:

10 “**SECTION 2301m.** 166.03 (2) (a) 6. of the statutes is created to read:

11 166.03 (2) (a) 6. Purchase from the appropriation under s. 20.465 (3) (a), at a
12 cost not to exceed \$110,000, infrared optical equipment to be located and maintained
13 by the Chippewa County emergency management agency and used by the civil air
14 patrol to search for lost individuals.”.

15 **874.** Page 1177, line 13: after that line insert:

16 “**SECTION 2303b.** 166.215 (1) of the statutes is amended to read:

17 166.215 (1) The Beginning July 1, 2001, the division shall contract with ~~no~~
18 ~~fewer than 7 and no more than 9~~ regional emergency response teams, ~~each of which~~
19 ~~will~~ one of which shall be located in La Crosse County. Each regional emergency
20 response team shall assist in the emergency response to level A releases in a region
21 of this state designated by the division. The division shall contract with at least one
22 regional emergency response team in each area designated under s. 166.03 (2) (b) 1.
23 The division may only contract with a local agency, as defined in s. 166.22 (1) (c),
24 under this subsection. A member of a regional emergency response team shall meet

1 the standards for a hazardous materials specialist in 29 CFR 1910.120 (q) (6) (iv) and
2 national fire protection association standards NFPA 471 and 472. Payments to
3 regional emergency response teams under this subsection shall be made from the
4 appropriation account under s. 20.465 (3) (dd).”.

5 **875.** Page 1179, line 5: after that line insert:

6 “**SECTION 2305m.** 180.1901 (1m) (bs) of the statutes is created to read:

7 180.1901 **(1m)** (bs) Athletic trainers affiliated credentialing board under
8 subch. VI of ch. 448.”.

9 **876.** Page 1179, line 5: after that line insert:

10 “**SECTION 2304c.** 180.0103 (6) of the statutes is repealed and recreated to read:

11 180.0103 **(6)** “Deliver” or “delivery” means any method of delivery used in
12 conventional commercial practice, including delivery by hand, mail, commercial
13 delivery and electronic transmission.

14 **SECTION 2304cm.** 180.0103 (7m) of the statutes is created to read:

15 180.0103 **(7m)** “Electronic transmission” or “electronically transmitted”
16 means internet transmission, telephonic transmission, electronic mail
17 transmission, transmission of a telegram, cablegram or datagram or any other form
18 or process of communication that does not directly involve the physical transfer of
19 paper and that is suitable for the retention, retrieval and reproduction of information
20 by the recipient.

21 **SECTION 2304dm.** 180.0103 (16) of the statutes is amended to read:

22 180.0103 **(16)** “Signed” or “signature” includes any manual, facsimile,
23 conformed or electronic signature or any symbol executed or adopted by a party with
24 present intention to authenticate a writing or electronic transmission.

1 **SECTION 2304ed.** 180.0141 (2) (a) of the statutes is amended to read:

2 180.0141 (2) (a) A person shall give notice in writing, except as provided in par.
3 (b). For purposes of this section, notice by electronic transmission is written notice.

4 **SECTION 2304fb.** 180.0141 (3) of the statutes is amended to read:

5 180.0141 (3) Except as provided in s. 180.0721 (4) or unless otherwise provided
6 in the articles of incorporation or bylaws, notice may be communicated in person, ;
7 by telephone, telegraph, teletype, facsimile or other form of wire or wireless
8 communication, or by mail or private carrier, and, if mail or other method of delivery;
9 by telephone, including voice mail, answering machine or answering service; or by
10 any other electronic means. If these forms of personal notice are impracticable,
11 notice may be communicated by a newspaper of general circulation in the area where
12 published, or by radio, television or other form of public broadcast communication.

13 **SECTION 2304fh.** 180.0141 (5) (b) of the statutes is renumbered 180.0141 (5)
14 (b) (intro.) and amended to read:

15 180.0141 (5) (b) (intro.) Written notice by a domestic corporation or foreign
16 corporation to its shareholder is effective when under any of the following conditions:

17 1. When mailed and may be, but only if mailed postpaid and addressed to the
18 shareholder's address shown in the domestic corporation's or foreign corporation's
19 current record of shareholders.

20 **SECTION 2304gb.** 180.0141 (5) (b) 2. of the statutes is created to read:

21 180.0141 (5) (b) 2. When electronically transmitted to the shareholder in a
22 manner authorized by the shareholder.

23 **SECTION 2304gm.** 180.0722 (2) of the statutes is repealed and recreated to
24 read:

1 180.0722 **(2)** (a) A shareholder entitled to vote at a meeting of shareholders, or
2 to express consent or dissent in writing to any corporate action without a meeting of
3 shareholders, may authorize another person to act for the shareholder by appointing
4 the person as proxy. An appointment of a proxy may be in durable form as provided
5 in s. 243.07.

6 (b) Without limiting the manner in which a shareholder may appoint a proxy
7 under par. (a), a shareholder or the shareholder's authorized officer, director,
8 employe, agent or attorney-in-fact may use any of the following as a valid means to
9 make such an appointment:

10 1. Appointment of a proxy in writing by signing or causing the shareholder's
11 signature to be affixed to an appointment form by any reasonable means, including,
12 but not limited to, by facsimile signature.

13 2. Appointment of a proxy by transmitting or authorizing the transmission of
14 an electronic transmission of the appointment to the person who will be appointed
15 as proxy or to a proxy solicitation firm, proxy support service organization or like
16 agent authorized to receive the transmission by the person who will be appointed as
17 proxy. Every electronic transmission shall contain, or be accompanied by,
18 information that can be used to reasonably determine that the shareholder
19 transmitted or authorized the transmission of the electronic transmission. Any
20 person charged with determining whether a shareholder transmitted or authorized
21 the transmission of the electronic transmission shall specify the information upon
22 which the determination is made.

23 (c) Any copy, facsimile telecommunication or other reliable reproduction of the
24 information in the appointment form under par. (b) 1. or the electronic transmission
25 under par. (b) 2. may be substituted or used in lieu of the original appointment form

1 or electronic transmission for any purpose for which the original appointment form
2 or electronic transmission could be used, but only if the copy, facsimile
3 telecommunication or other reliable reproduction is a complete reproduction of the
4 information in the original appointment form or electronic transmission.

5 **SECTION 2304gz.** 180.0722 (3) of the statutes is amended to read:

6 180.0722 (3) An appointment of a proxy is effective when a signed appointment
7 form or an electronic transmission of the appointment is received by the secretary
8 ~~or other inspector of election or the officer or agent of the corporation authorized to~~
9 tabulate votes. An appointment is valid for 11 months ~~from the date of its signing~~
10 unless a different period is expressly provided in the appointment form.

11 **SECTION 2304hd.** 180.0722 (4) (a) (intro.) of the statutes is amended to read:

12 180.0722 (4) (a) (intro.) An appointment of a proxy is revocable ~~by the~~
13 ~~shareholder unless the appointment form conspicuously~~ or electronic transmission
14 states that it is irrevocable and the appointment is coupled with an interest.
15 Appointments coupled with an interest include, but are not limited to, the
16 appointment of any of the following:

17 **SECTION 2304L.** 180.0722 (7) of the statutes is amended to read:

18 180.0722 (7) Subject to s. 180.0724 and to any express limitation on the proxy's
19 authority ~~appearing on the face of~~ stated in the appointment form or electronic
20 transmission, a corporation may accept the proxy's vote or other action as that of the
21 shareholder making the appointment.

22 **SECTION 2304ho.** 180.0722 (8) (a) of the statutes is amended to read:

23 180.0722 (8) (a) Notwithstanding sub. (4), may be revoked at any time by
24 openly stating the revocation at a shareholder meeting or appointing a new proxy in
25 writing the manner provided under sub. (2) (b).

1 **SECTION 2304jb.** 180.0724 (4) of the statutes is amended to read:

2 180.0724 **(4)** The corporation and its officer or agent who accepts or rejects a
3 vote, consent, waiver or proxy appointment in good faith and in accordance with this
4 section or s. 180.0722 (2) are not liable in damages to the shareholder for the
5 consequences of the acceptance or rejection.

6 **SECTION 2304jm.** 180.0724 (5) of the statutes is amended to read:

7 180.0724 **(5)** Corporate action based on the acceptance or rejection of a vote,
8 consent, waiver or proxy appointment under this section or s. 180.0722 (2) is valid
9 unless a court of competent jurisdiction determines otherwise.”.

10 **877.** Page 1179, line 5: after that line insert:

11 “**SECTION 2307a.** 177.01 (10) of the statutes is renumbered 177.01 (10) (a).

12 **SECTION 2307d.** 177.01 (10) (b) of the statutes is created to read:

13 177.01 **(10)** (b) “Intangible property” does not include a credit balance issued
14 to a commercial customer account by a business association in the ordinary course
15 of business, unless the credit balance is property described in s. 177.06 (1) or (2) held
16 by a banking organization or financial organization.”.

17 **878.** Page 1179, line 19: after that line insert:

18 “**SECTION 2308r.** 186.098 (12) of the statutes is amended to read:

19 186.098 **(12)** LOANS TO MEMBERS. A credit union may make loans to members
20 secured by assignment or transfer of stock certificates or other evidence of the
21 borrower’s ownership interest in a corporation formed for the cooperative ownership
22 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a
23 mortgage involving a one–family residence, apply to a proceeding to enforce the
24 lender’s rights in security given for a loan under this subsection. The office of credit

1 unions shall promulgate joint rules with the ~~divisions of savings and loan~~ division
2 of savings institutions and the division of banking that establish procedures for
3 enforcing a lender’s rights in security given for a loan under this subsection.”.

4 **879.** Page 1179, line 19: after that line insert:

5 “**SECTION 2308dm.** 189.02 (7) of the statutes is created to read:

6 189.02 (7) At least 14 days before submitting to the public service commission
7 any personnel or budget request that affects any appropriation to the department of
8 transportation, the office shall notify the secretary of the request.”.

9 **880.** Page 1179, line 19: after that line insert:

10 “**SECTION 2308gg.** 195.28 (1m) of the statutes is created to read:

11 195.28 (1m) APPORTIONMENT OF EXPENSE. The office shall fix the proportion of
12 the cost and expense of crossing protection devices and installation, and any other
13 work ordered under sub. (1), to be paid by the parties in interest. The office may order
14 any party in interest to pay the cost and expenses apportioned to that party under
15 this subsection.

16 **SECTION 2308gk.** 195.28 (2) of the statutes is amended to read:

17 195.28 (2) INSTALLATION COSTS. The Subject to sub. (1m), the cost of any signal
18 or other crossing protection device ~~which~~ that is ordered installed under sub. (1) and
19 the cost of installing any such device shall be paid by the department from the
20 appropriations under s. 20.395 (2) (gj), (gr) and (gx).”.

21 **881.** Page 1179, line 19: after that line insert:

22 “**SECTION 2308mg.** 195.28 (1) of the statutes is amended to read:

23 195.28 (1) PETITION; HEARING; ORDER. Upon petition of the department, city
24 council, village board, town board, superintendent of highways or by 5 or more

1 electors in any town, village or city, or of any railroad corporation or railroad
2 historical society, to determine whether a public highway and railroad grade crossing
3 protects and promotes public safety, the office may investigate and issue an
4 appropriate order without a public hearing. If the petitioner, railroad, railroad
5 historical society or any interested party objects to the order and requests a hearing
6 within 20 days after the date that the order is issued, the office shall proceed under
7 s. 195.04. Notice of an investigation or hearing shall be served upon the department,
8 which shall be an interested party, and any recommendation it may file with the
9 office at or prior to a hearing, if there is one, regarding crossing protection shall be
10 considered as evidence in the proceeding. The office shall determine whether the
11 existing warning devices at such crossing are adequate to protect and promote public
12 safety. If the office determines, either without or after a hearing, that protection is
13 not adequate, it may order the railroad company or railroad historical society to keep
14 a flagman at the crossing or to install automatic signals or other suitable safety
15 device at specific locations at such crossing. The office may order the relocation of
16 existing signals and devices to improve protection at a crossing. To the greatest
17 extent practicable, orders under this subsection shall be executed in the priority
18 recommended under sub. (2m) (d), except that the recommendation shall be
19 disregarded if the office determines that immediate improvement of a crossing is
20 necessary to protect public safety. Any crossing protection installed or maintained
21 as approved by the office, whether by order or otherwise, shall be deemed adequate
22 and appropriate protection for the crossing.

23 **SECTION 2308mj.** 195.28 (2m) of the statutes is created to read:

24 195.28 (2m) DUTIES OF THE COUNCIL ON RAILROAD GRADE CROSSINGS. The council
25 on railroad grade crossings shall do all of the following:

1 (a) Establish and maintain a railroad crossing data base. The data base shall
2 be available to the office and the department.

3 (b) Recommend to the office and to the department desirable funding levels for
4 railroad crossing protection installation and maintenance under subs. (2) and (3).

5 (c) Meet at least once annually to review all railroad crossing improvements
6 ordered by the office.

7 (d) Determine and recommend to the office which railroad crossing
8 improvements should be constructed during the following 3 years and the order in
9 which those projects should be completed to maximize the safety benefits of the
10 projects. In determining the order in which projects should be completed, the council
11 shall consider all of the following:

12 1. The volume and speed of trains and traffic at the railroad crossing.

13 2. The physical features of the railroad crossing, including curves, hills and
14 other features that may reduce the visibility of motorists at the railroad crossing.

15 3. The history of accidents at the railroad crossing.

16 4. Anticipated changes in the volume or speed of motor vehicles or train traffic
17 at the railroad crossing.

18 5. Any other factors the council considers appropriate.”.

19 **882.** Page 1179, line 19: after that line insert:

20 “**SECTION 2308m.** 185.981 (4t) of the statutes is amended to read:

21 185.981 (4t) A sickness care plan operated by a cooperative association is
22 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855,
23 632.87 (2m), (3), (4) and (5), 632.872, 632.895 (10) to (13) and 632.897 (10) and chs.
24 149 and 155.

1 **SECTION 2308p.** 185.983 (1) (intro.) of the statutes is amended to read:

2 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
3 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
4 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72
5 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87
6 (2m), (3), (4) and (5), 632.872, 632.895 (5) and (9) to (13), 632.896 and 632.897 (10)
7 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall.”.

8 **883.** Page 1179, line 21: after that line insert:

9 “**SECTION 2309q.** 196.19 (1m) (b) of the statutes is amended to read:

10 196.19 (1m) (b) A telecommunications utility may not offer a new
11 telecommunications service to the public without first filing a tariff for that offering
12 with the commission. A proposed tariff offering a new telecommunications service
13 shall be effective on the date specified in the tariff ~~but not earlier than 10 days after~~
14 ~~the date on which the tariff is filed with the commission~~, unless the commission,
15 either upon complaint or upon its own motion, suspends the operation of the new
16 tariff by serving written notice of the suspension on the telecommunications utility
17 within 10 days after the date of filing. The notice shall include a statement of the
18 reason under par. (c) upon which the commission believes the tariff may be modified.

19 **SECTION 2309r.** 196.19 (1m) (e) of the statutes is repealed.”.

20 **884.** Page 1180, line 15: delete “The ~~commission~~” and substitute “The
21 ~~commission~~ Except as provided in s. 196.218 (4t), the”.

22 **885.** Page 1183, line 20: after that line insert:

23 “**SECTION 2329g.** 196.218 (4t) of the statutes is created to read:

1 **196.218 (4t)** EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
2 commission, in consultation with the department of administration and the
3 technology for educational achievement in Wisconsin board, shall promulgate rules
4 specifying the telecommunications services eligible for funding through the
5 educational telecommunications access program under s. 44.73.”.

6 **886.** Page 1184, line 9: after “bases.” insert “This subdivision does not apply
7 after June 30, 2001.”.

8 **887.** Page 1184, line 18: after that line insert:

9 “**SECTION 2332n.** 196.218 (5) (a) 10. of the statutes is created to read:

10 196.218 (5) (a) 10. To provide administrative services under the rehabilitation
11 teaching program for blind and visually impaired persons under s. 46.293.”.

12 **888.** Page 1185, line 20: delete the material beginning with that line and
13 ending with page 1186, line 9, and substitute:

14 “**SECTION 2335mr.** 196.44 (2) (b) of the statutes is repealed.

15 **SECTION 2336mr.** 196.85 (2m) of the statutes is repealed.”.

16 **889.** Page 1186, line 2: after that line insert:

17 “**SECTION 2336g.** 196.77 of the statutes is amended to read:

18 **196.77 Promotional rates.** Except as provided in this section, nothing in this
19 chapter prohibits a telecommunications utility from filing a tariff to make a limited
20 offering of promotional rates. A promotional rate under this section shall take effect
21 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~
22 ~~date the tariff is filed with the commission unless the commission authorizes an~~
23 ~~earlier effective date or suspends the tariff within 10 days after the date on which~~
24 it is filed. The commission may suspend a tariff if it believes that the tariff violates

1 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall
2 investigate and resolve the matter within 60 days after the date on which the tariff
3 is suspended or the tariff shall be effective as filed.”.

4 **890.** Page 1186, line 9: after that line insert:

5 “SECTION 2337a. 214.01 (1) (im) of the statutes is amended to read:

6 214.01 (1) (im) “Division” means the division of savings ~~and loan~~ institutions.

7 SECTION 2338a. 214.592 of the statutes is amended to read:

8 **214.592 Financially related services tie-ins.** In any transaction conducted
9 by a savings bank, a savings bank holding company or a subsidiary of either with a
10 customer who is also a customer of any other subsidiary of any of them, the customer
11 shall be given a notice in 12–point boldface type in substantially the following form:

12 NOTICE OF RELATIONSHIP

13 This company, (insert name and address of savings bank, savings bank
14 holding company or subsidiary), is related to (insert name and address of savings
15 bank, savings bank holding company or subsidiary) of which you are also a customer.
16 You may not be compelled to buy any product or service from either of the above
17 companies or any other related company in order to participate in this transaction.

18 If you feel that you have been compelled to buy any product or service from
19 either of the above companies or any other related company in order to participate
20 in this transaction, you should contact the management of either of the above
21 companies at either of the above addresses or the division of savings ~~and loan~~
22 institutions at (insert address).

23 SECTION 2339a. 215.01 (6) of the statutes is amended to read:

24 215.01 (6) “Division” means the division of savings ~~and loan~~ institutions.

1 municipality and the petition has been signed by 5% of the electors of a 1st class city
2 or by 10% of the electors of all other municipalities requesting that the question of
3 discontinuing the proceeding to acquire the plant or equipment of the public utility
4 be submitted to the electors of the municipality, the applicable question under par.
5 (c) shall be submitted to the electors at ~~any general or regular municipal~~ the
6 succeeding election authorized under s. 8.065 (2) or an election authorized under s.
7 8.065 (3) that may be is held not less than 30, and not more than 35, days from the
8 date of the filing of the petition. If no general election or regular municipal election
9 is to be held within the stated periods, the governing body of the municipality shall
10 order the holding of a special election for the purpose of submitting the question to
11 the electors.

12 (2) The governing body of the municipality may provide for notice of, the
13 manner of holding s, the method of voting on, the method of making returns of, and
14 the method of canvassing and determining the result of, the election required under
15 sub. (1). Notice of the election to the electors shall be given by a brief notice of that
16 fact once a week for 3 weeks in some newspaper of general circulation published in
17 the municipality. If no newspaper of general circulation is published in the
18 municipality, publication may be made in any newspaper of general circulation in the
19 county seat of the county in which the municipality is located. ~~The notice of holding~~
20 ~~any special election shall be incorporated as a part of the notice given under this~~
21 ~~subsection.~~

22 **SECTION 2336u.** 197.10 (2) of the statutes is amended to read:

23 197.10 (2) Such contract when adopted by the common council of said city and
24 accepted by the owner or owners of such public utility shall be submitted to the public
25 service commission for its approval and upon such approval the same shall be

1 submitted in such manner as the common council shall determine to a vote of the
2 electors of such city at the next ~~regular municipal election or at a special election~~
3 ~~called for that purpose~~ authorized under s. 8.065 (2) or an election authorized under
4 s. 8.065 (3) to be held not sooner than 45 days after approval of the commission, and
5 such contract shall not become binding upon such city until approved by a majority
6 vote of the qualified electors of such city voting thereon. No bonds shall in any case
7 be issued by said city under the contract or contracts mentioned in sub. (1), until the
8 proposition of their issue shall have been submitted to the people of such city and
9 adopted by a majority of the electors voting thereon.

10 **SECTION 2336w.** 198.19 (1) of the statutes is amended to read:

11 198.19 (1) Any territory, constituting one or more municipalities contiguous to
12 a district may be annexed to and become a part of such district to all intents and
13 purposes and with like effect as though originally included therein upon such terms
14 and conditions as the board of directors of the district shall fix by ordinance adopted
15 by the affirmative vote of two-thirds of the directors-elect, provided that before such
16 ordinance becomes effective the same shall be accepted and ratified by the
17 affirmative vote of a majority of the qualified electors entitled to vote and voting in
18 a ~~special election~~ referendum called and held for that purpose, in accordance with
19 s. 8.065, in each municipality proposed in such ordinance to be annexed to the
20 district. Such ordinance shall be published and such election shall be noticed, held
21 and conducted, as nearly as may be, in the manner provided by this chapter for the
22 noticing, holding and conduct of elections upon the organization of a municipal power
23 district, except that the returns of such election and the ballots therein shall be
24 delivered to the clerk of the district. The results of said election shall be canvassed
25 publicly by the directors of the district.”.

1 **892.** Page 1186, line 9: after that line insert:

2 “**SECTION 2342bc.** 218.01 (2) (L) of the statutes is created to read:

3 218.01 **(2)** (L) 1. Words and phrases defined in sub. (2c) (am) have the same
4 meaning in this paragraph.

5 2. The department may not issue a dealer license under this section, unless the
6 department has determined that no factory will hold an ownership interest in or
7 operate or control the dealership or that one of the exceptions under sub. (2c) (cm)
8 applies.

9 3. If the applicant asserts that sub. (2c) (cm) 2. applies, the department shall
10 require the applicant to provide a copy of the written agreement described in sub. (2c)
11 (cm) 2. d. for examination by the department to ensure that the agreement meets the
12 requirements of sub. (2c) (cm) 2.

13 4. If the division of hearings and appeals determines, after a hearing on the
14 matter at the request of the department or any licensee, that a factory holds an
15 ownership interest in a dealership or operates or controls a dealership in violation
16 of this subsection, the division shall order the denial or revocation of the dealership’s
17 license.

18 **SECTION 2342bf.** 218.01 (2c) (intro.) of the statutes is renumbered 218.01 (2c)
19 (bm) and amended to read:

20 218.01 **(2c)** (bm) ~~A manufacturer, importer or distributor, or a subsidiary~~
21 ~~thereof, factory shall not own, directly or indirectly, hold an ownership interest in~~
22 ~~or operate or control a motor vehicle dealership in this state.~~

23 (cm) This subsection does not prohibit any of the following:

1 **SECTION 2342bi.** 218.01 (2c) (a) of the statutes is renumbered 218.01 (2c) (cm)

2 1. and amended to read:

3 218.01 (2c) (cm) 1. ~~The ownership and operation by a manufacturer, importer~~
4 ~~or distributor, or a subsidiary thereof, of~~ A factory from holding an ownership
5 interest in or operating a dealership for a temporary period, not to exceed one year,
6 during the transition from one owner or dealer operator to another.

7 **SECTION 2342bL.** 218.01 (2c) (am) of the statutes is created to read:

8 218.01 (2c) (am) In this subsection:

9 1. “Agent” means a person who is employed by or affiliated with a factory or who
10 directly or through an intermediary is controlled by or under common control of a
11 factory.

12 2. “Control” means the possession, direct or indirect, of the power to direct or
13 cause the direction of the management or policies of a person, whether through the
14 ownership of voting securities, by contract or otherwise.

15 3. “Dealer operator” means an individual who is vested with the power and
16 authority to operate a dealership.

17 4. “Dealership” means a person licensed or required to be licensed as a motor
18 vehicle dealer under this section.

19 4m. “Department” means the department of transportation.

20 5. “Factory” means a manufacturer, distributor or importer, or an agent of a
21 manufacturer, distributor or importer.

22 6. “Operate” means to directly or indirectly manage a dealership.

23 7. “Ownership interest” means the beneficial ownership of one percent or more
24 of any class of equity interest in a dealership, whether the interest is that of a
25 shareholder, partner, limited liability company member or otherwise. To “hold” an

1 ownership interest means to have possession of, title to or control of the ownership
2 interest, whether directly or indirectly through a fiduciary or an agent.

3 **SECTION 2342bo.** 218.01 (2c) (b) of the statutes is repealed.

4 **SECTION 2342br.** 218.01 (2c) (c) of the statutes is renumbered 218.01 (2c) (cm)
5 3. and amended to read:

6 218.01 (2c) (cm) 3. The ownership, operation or control of a dealership by a
7 ~~manufacturer, importer or distributor, or subsidiary thereof, which factory that does~~
8 ~~not meet the conditions under par. (a) or (b) subds. 1. or 2., if the division of hearings~~
9 ~~and appeals determines, after a hearing on the matter at the request of any party,~~
10 ~~that there is no prospective independent dealer available to own and operate the~~
11 ~~dealership in a manner consistent with the public interest and that meets the~~
12 ~~reasonable standard and uniformly applied qualifications of the manufacturer,~~
13 ~~importer or distributor factory.~~

14 **SECTION 2342bu.** 218.01 (2c) (cm) 2. of the statutes is created to read:

15 218.01 (2c) (cm) 2. A factory from holding an ownership interest in a
16 dealership, if all of the following apply:

17 a. The dealer operator of the dealership is an individual who is not an agent
18 of the factory.

19 b. The dealer operator of the dealership is unable to acquire full ownership of
20 the dealership with his or her own assets or in conjunction with financial
21 investments and loans from investors or lenders other than the factory holding an
22 ownership interest in the dealership.

23 c. The dealer operator of the dealership holds not less than 15 percent of the
24 total ownership interests in the dealership within one year from the date that the
25 factory initially acquires any ownership interest in the dealership.

1 d. There is a bona fide written agreement in effect between the factory and the
2 dealer operator of the dealership under which the dealer operator will acquire all of
3 the ownership interest in the dealership held by the factory on reasonable terms
4 specified in the agreement and that grants the dealer operator the right to acquire
5 all of the ownership interest in the dealership held by the factory not later than five
6 years after the effective date of the agreement.

7 e. The written agreement described in subd. 2. d. does not unreasonably restrict
8 the source of funds used by the dealer operator to acquire ownership interest in the
9 dealership held by the factory. A restriction that requires the dealer operator to use
10 only funds that are received in the form of salaries, bonuses, dividends or other
11 payments to him or her as the dealer operator, or as the holder of an ownership
12 interest in the dealership, to acquire the factory's ownership interest in the
13 dealership is considered unreasonable.

14 f. The written agreement described in subd. 2. d. provides that the dealer
15 operator will make reasonable progress toward acquiring all of the ownership
16 interest in the dealership, and the dealer is making reasonable progress toward
17 acquiring all of the ownership interest in the dealership.

18 g. Not more than eight years have elapsed since the factory initially acquired
19 its ownership interest in the dealership, unless the department, upon petition by the
20 dealer operator, determines that there is good cause to allow the dealer operator a
21 longer period to complete his or her acquisition of all of the ownership interest in the
22 dealership held by the factory and the longer period determined by the department
23 has not yet elapsed.

24 h. If the factory owns the real property at which the dealership is located, the
25 written agreement described in subd. 2. d. provides the dealer operator with the right

1 to purchase the real property from the factory for its fair market value at the time
2 that the dealer completes his or her acquisition of the factory's ownership interest
3 in the dealership and there is no obligation by the dealer operator to lease the real
4 property to the factory after the dealer operator purchase the real property.

5 **SECTION 2342bw.** 218.01 (3x) (d) 1. of the statutes is repealed.”.

6 **893.** Page 1193, line 3: after that line insert:

7 “**SECTION 2345e.** 221.0901 (3) (a) 1. of the statutes is amended to read:

8 221.0901 (3) (a) 1. Merge or consolidate with an in–state bank holding company
9 or an in–state bank.

10 **SECTION 2245m.** 221.0901 (8) (a) of the statutes is amended to read:

11 221.0901 (8) (a) Except as provided in pars. (b) and (c), the division may not
12 approve an application ~~by an out–of–state bank holding company~~ under sub. (3) (a),
13 other than an application by an in–state bank or an in–state bank holding company.
14 unless the in–state bank to be acquired, or all every in–state bank subsidiaries
15 subsidiary of the in–state bank holding company to be acquired, ~~have as of the~~
16 ~~proposed date of acquisition~~ has been in existence and in continuous operation for
17 at least 5 years as of the proposed date of acquisition.

18 **SECTION 2245p.** 221.0901 (8) (b) of the statutes is amended to read:

19 221.0901 (8) (b) The division may approve an application for an acquisition of
20 an in–state bank holding company that owns one or more in–state banks that have
21 been in existence for less than 5 years, if the ~~out–of–state bank holding company~~
22 applicant divests itself of those in–state banks within 2 years after the date of the
23 applicant's acquisition of the in–state bank holding company ~~by the out–of–state~~

1 ~~bank holding company. This paragraph does not apply to an application by an~~
2 ~~in-state bank or an in-state bank holding company.”.~~

3 **894.** Page 1193, line 3: after that line insert:

4 “**SECTION 2343a.** 220.04 (9) (a) 2. of the statutes is amended to read:

5 220.04 **(9)** (a) 2. “Regulated entity” means a bank, universal bank, trust
6 company bank and any other entity which is described in s. 220.02 (2) or 221.0526
7 as under the supervision and control of the division.

8 **SECTION 2344a.** 221.0303 (2) of the statutes is amended to read:

9 221.0303 **(2)** OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
10 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or
11 participate in the acquisition, placement and operation of, at locations other than its
12 main or branch offices, customer bank communications terminals, in accordance
13 with rules established by the division. The rules of the division shall provide that
14 any such customer bank communications terminal shall be available for use, on a
15 nondiscriminatory basis, by any state or national bank and by all customers
16 designated by a bank using the terminal. This subsection does not authorize a bank
17 which has its principal place of business outside this state to conduct banking
18 business in this state. The customer bank communications terminals also shall be
19 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
20 association or savings bank, if the credit union, savings and loan association or
21 savings bank requests to share its use, subject to rules jointly established by the
22 division of banking, the office of credit unions and the division of savings and loan
23 institutions. The division by order may authorize the installation and operation of

1 a customer bank communications terminal in a mobile facility, after notice and
2 hearing upon the proposed service stops of the mobile facility.

3 **SECTION 2345a.** 221.0321 (5) of the statutes is amended to read:

4 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
5 assignment or transfer of stock certificates or other evidence of the borrower's
6 ownership interest in a corporation formed for the cooperative ownership of real
7 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
8 involving a one-family residence, apply to a proceeding to enforce the lender's rights
9 in security given for a loan under this subsection. The division shall promulgate joint
10 rules with the office of credit unions and the division of savings and loan institutions
11 that establish procedures for enforcing a lender's rights in security given for a loan
12 under this subsection.

13 **SECTION 2346.** Chapter 222 of the statutes is created to read:

14 **CHAPTER 222**

15 **UNIVERSAL BANKS**

16 **SUBCHAPTER I**

17 **GENERAL PROVISIONS**

18 **222.0101 Title.** This chapter may be cited as the "Wisconsin universal bank
19 law".

20 **222.0102 Definitions.** In this chapter:

21 (1) "Adequately capitalized" has the meaning given in 12 USC 1831o (b) (1) (B).

22 (2) "Capital" of a universal bank means the sum of the following, less the
23 amount of intangible assets that is not considered to be qualifying capital by a deposit
24 insurance corporation or the division:

1 (a) For a universal bank organized as a stock organization, the universal bank's
2 capital stock, preferred stock, undivided profits, surplus, outstanding notes and
3 debentures approved by the division, other forms of capital designated as capital by
4 the division and other forms of capital considered to be qualifying capital of the
5 universal bank by a deposit insurance corporation.

6 (b) For a universal bank organized as a mutual organization, the universal
7 bank's net worth, undivided profits, surplus, outstanding notes and debentures
8 approved by the division, other forms of capital designated as capital by the division
9 and other forms of capital considered to be qualifying capital by a deposit insurance
10 corporation.

11 (3) "Deposit insurance corporation" means the Federal Deposit Insurance
12 Corporation or other instrumentality of, or corporation chartered by, the United
13 States that insures deposits of financial institutions and that is supported by the full
14 faith and credit of the U.S. government as stated in a congressional resolution.

15 (4) "Division" means the division of banking.

16 (5) "Financial institution" means a state savings bank organized under ch. 214,
17 state savings and loan association organized under ch. 215 or a state bank chartered
18 under ch. 221.

19 (6) "Universal bank" means a financial institution that has been issued a
20 certificate of authority under s. 222.0205.

21 (7) "Well-capitalized" has the meaning given in 12 USC 1831o (b) (1) (A).

22 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings
23 bank organized under ch. 214 remains subject to all of the requirements, duties and
24 liabilities, and may exercise all of the powers, of a savings bank, except that in the

1 event of a conflict between this chapter and those requirements, duties, liabilities or
2 powers, this chapter shall control.

3 **(2) SAVINGS AND LOAN ASSOCIATIONS.** A universal bank that is a savings and loan
4 association organized under ch. 215 remains subject to all of the requirements,
5 duties and liabilities, and may exercise all of the powers, of a savings and loan
6 association, except that, in the event of a conflict between this chapter and those
7 requirements, duties, liabilities or powers, this chapter shall control.

8 **(3) BANKS.** A universal bank that is a bank chartered under ch. 221 remains
9 subject to all of the requirements, duties and liabilities, and may exercise all of the
10 powers, of a bank, except that, in the event of a conflict between this chapter and
11 these requirements, duties, liabilities or powers, this chapter shall control.

12 **222.0105 Fees.** The division may establish such fees as it determines are
13 appropriate for documents filed with the division under this chapter and for services
14 provided by the division under this chapter.

15 **222.0107 Administration. (1) POWERS OF DIVISION.** The division shall
16 administer this chapter for all universal banks.

17 **(2) RULE-MAKING AUTHORITY.** The division may promulgate rules to administer
18 and carry out this chapter. The division may establish additional limits or
19 requirements on universal banks, if the division determines that the limits or
20 requirements are necessary for the protection of depositors, members, investors or
21 the public.

22 SUBCHAPTER II

23 CERTIFICATION

24 **222.0201 Procedure. (1) APPLICATION.** A financial institution may apply to
25 become certified as a universal bank by filing a written application with the division.

1 The application shall include such information as the division may require. The
2 application shall be on such forms and in accordance with such procedures as the
3 division may prescribe.

4 (2) REVIEW BY DIVISION. An application submitted to the division shall either
5 be approved or disapproved by the division in writing within 60 days after its
6 submission to the division. The division and the financial institution may mutually
7 agree to extend the application period for an additional period of 60 days.

8 **222.0203 Eligibility. (1) REQUIREMENTS.** The division shall approve an
9 application for certification as a universal bank, if the applying financial institution
10 meets all of the following requirements:

11 (a) The financial institution is chartered or organized, and regulated, under ch.
12 214, 215 or 221 and has been in existence and continuous operation for a minimum
13 of 3 years prior to the date of the application.

14 (b) The financial institution is well-capitalized or adequately capitalized.

15 (c) The financial institution does not exhibit a combination of financial,
16 managerial, operational and compliance weaknesses that is moderately severe or
17 unsatisfactory, as determined by the division based upon the division's assessment
18 of the financial institution's capital adequacy, asset quality, management capability,
19 earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

20 (d) During the 12-month period prior to the application, the financial
21 institution has not been the subject of an enforcement action and there is no
22 enforcement action pending against the financial institution by any state or federal
23 financial institution regulatory agency, including the division.

1 is organized under ch. 215 and that uses the word “bank” in its name in accordance
2 with this section need not include the words “savings and loan association” or
3 “savings association” in its name.

4 (2) DISTINGUISHABILITY. Except as provided in subs. (3) and (4), the name of the
5 universal bank shall be distinguishable upon the records of the division from all of
6 the following names:

7 (a) The name of any other financial institution organized under the laws of this
8 state.

9 (b) The name of a national bank or foreign bank authorized to transact business
10 in this state.

11 (3) EXCEPTIONS. A universal bank may apply to the division for authority to use
12 a name that does not meet the requirement under sub. (2). The division may
13 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)
14 is met.

15 (4) USE OF SAME NAME. A universal bank may use a name that is used in this
16 state by another financial institution or by an institution authorized to transact
17 business in this state, if the universal bank has done any of the following:

18 (a) Merged with the other institution.

19 (b) Been formed by reorganization of the other institution.

20 (c) Acquired all or substantially all of the assets, including the name, of the
21 other institution.

22 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding
23 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the
24 minimum capital requirements of universal banks.

1 **(2) REQUIRED NOTIFICATION FOR EXERCISE OF A FEDERAL POWER.** A universal bank
2 shall give 60 days' prior written notice to the division of the universal bank's
3 intention to exercise a power under this section.

4 **(3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY.** The division may
5 require that certain powers exercisable by universal banks under this section be
6 exercised through a subsidiary of the universal bank with appropriate safeguards to
7 limit the risk exposure of the universal bank.

8 **222.0403 Loan powers. (1) PERMITTED PURPOSES.** A universal bank may
9 make, sell, purchase, arrange, participate in, invest in or otherwise deal in loans or
10 extensions of credit for any purpose.

11 **(2) IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any
12 person, other than a municipal corporation, to a universal bank for a loan or
13 extension of credit may not exceed 20% of the capital of the universal bank at any
14 time. In determining compliance with this section, liabilities of a partnership
15 includes the liabilities of the general partners, computed individually as to each
16 general partner on the basis of his or her direct liability.

17 **(3) CERTAIN SECURED LIABILITIES.** The percentage limitation under sub. (2) is
18 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the
19 following types of liabilities:

20 (a) *Warehouse receipts.* A liability secured by warehouse receipts issued by
21 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
22 99.03 or under the federal Bonded Warehouse Act or who hold a registration
23 certificate under ch. 127, if all of the following requirements are met:

- 24 1. The receipts cover readily marketable nonperishable staples.
- 25 2. The staples are insured, if it is customary to insure the staples.

1 3. The market value of the staples is not, at any time, less than 140% of the face
2 amount of the obligation.

3 (b) *Certain bonds or notes.* A liability in the form of a note or bond that meets
4 any of the following qualifications:

5 1. The note or bond is secured by not less than a like amount of bonds or notes
6 of the United States issued since April 24, 1917, or certificates of indebtedness of the
7 United States.

8 2. The note or bond is secured or covered by guarantees or by commitments or
9 agreements to take over, or to purchase, the bonds or notes, and the guarantee,
10 commitment or agreement is made by a federal reserve bank, the federal small
11 business administration, the federal department of defense or the federal maritime
12 commission.

13 3. The note or bond is secured by mortgages or trust deeds insured by the
14 federal housing administration.

15 **(4) OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS.** (a) *Definition.* In this
16 subsection, “local governmental unit” has the meaning given in s. 16.97 (7).

17 (b) *General limitation.* Except as otherwise provided in this subsection, the
18 total liabilities of a local governmental unit to a universal bank for money borrowed
19 may not, at any time, exceed 25% of the capital of the universal bank.

20 (c) *Revenue obligations.* Liabilities in the form of revenue obligations of a local
21 governmental unit are subject to the limitations provided in par. (b). In addition, a
22 universal bank is permitted to invest in a general obligation of that local
23 governmental unit in an amount that will bring the combined total of the general
24 obligations and revenue obligations of a single local governmental unit to a sum not
25 in excess of 50% of the capital of the universal bank.

1 (d) *General obligations.* If the liabilities of the local governmental unit are in
2 the form of bonds, notes or other evidences of indebtedness that are a general
3 obligation of a local governmental unit, the total liability of the local governmental
4 unit may not exceed 50% of the capital of the universal bank.

5 (e) *Temporary borrowings.* The total amount of temporary borrowings of any
6 local governmental unit maturing within one year after the date of issue may not
7 exceed 60% of the capital of the universal bank. Temporary borrowings and
8 longer-term general obligation borrowings of a single local governmental unit may
9 be considered separately in determining compliance with this subsection.

10 **(5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.**

11 A universal bank may purchase bonds offered for sale by the International Bank for
12 Reconstruction and Development and the Inter-American Development Bank or
13 such other foreign bonds as may be approved under rules established by the division.
14 At no time shall the aggregate investment in any of these bonds issued by a single
15 issuer exceed 10% of the capital of the universal bank.

16 **(6) FOREIGN NATIONAL GOVERNMENT BONDS.** A universal bank may purchase
17 general obligation bonds issued by any foreign national government if the bonds are
18 payable in United States funds. The aggregate investment in these foreign bonds
19 may not exceed 3% of the capital of the universal bank, except that this limitation
20 does not apply to bonds of the Canadian government and Canadian provinces that
21 are payable in United States funds.

22 **(7) LIMITS ESTABLISHED BY BOARD.** (a) *When financial statements required.* A
23 universal bank may not make or renew a loan or loans, the aggregate total of which
24 exceeds the level established by the board of directors without being supported by a
25 signed financial statement of the borrower, unless the loan is secured by collateral

1 having a value in excess of the amount of the loan. A signed financial statement
2 furnished by the borrower to a universal bank in compliance with this paragraph
3 must be renewed annually as long as the loan or any renewal of the loan remains
4 unpaid and is subject to this paragraph.

5 (b) *Treatment of loans complying with limits.* A loan or a renewal of a loan made
6 by a universal bank in compliance with par. (a), without a signed financial statement,
7 may be treated by the universal bank as entirely independent of any secured loan
8 made to the same borrower if the loan does not exceed the limitations provided in this
9 section.

10 **(8) EXCEPTIONS.** This section does not apply to any of the following:

11 (a) *Liabilities secured by certain short-term federal obligations.* A liability that
12 is secured by not less than a like amount of direct obligations of the United States
13 which will mature not more than 18 months after the date on which such liabilities
14 to the universal bank are entered into.

15 (b) *Certain federal and state obligations or guaranteed obligations.* A liability
16 that is a direct obligation of the United States or this state, or an obligation of any
17 governmental agency of the United States or this state, that is fully and
18 unconditionally guaranteed by the United States or this state.

19 (c) *Commodity Credit Corporation liabilities.* A liability in the form of a note,
20 debenture or certificate of interest of the Commodity Credit Corporation.

21 (d) *Discounting bills of exchange or business or commercial paper.* A liability
22 created by the discounting of bills of exchange drawn in good faith against actually
23 existing values or the discounting of commercial or business paper actually owned
24 by the person negotiating the same.

1 (e) *Certain other federal or federally guaranteed obligations.* In obligations of,
2 or obligations that are fully guaranteed by, the United States and in obligations of
3 any federal reserve bank, federal home loan bank, the Student Loan Marketing
4 Association, the Government National Mortgage Association, the Federal National
5 Mortgage Association, the Federal Home Loan Mortgage Corporation, the
6 Export–Import Bank of Washington or the Federal Deposit Insurance Corporation.

7 **(9) ADDITIONAL AUTHORITY.** (a) *In general.* In addition to the authority granted
8 under subs. (1) to (8), and except as provided in par. (b), a universal bank may lend
9 under this subsection, through the universal bank or subsidiary of the universal
10 bank, to all borrowers from the universal bank and all of its subsidiaries, an
11 aggregate amount not to exceed 20% of the universal bank’s capital. Neither a
12 universal bank nor any subsidiary of the universal bank may lend to any borrower,
13 under this subsection and any other law or rule, an amount that would result in an
14 aggregate amount for all loans to that borrower that exceeds 20% of the universal
15 bank’s capital. A universal bank or its subsidiary may take an equity position or
16 other form of interest as security in a project funded through such loans. Every
17 transaction by a universal bank or its subsidiary under this subsection shall require
18 prior approval by the governing board of the universal bank or its subsidiary,
19 respectively. Such loans are not subject to s. 221.0326 or to classification as losses,
20 for a period of 3 years from the date of each loan except as provided in par. (b).

21 (b) *Suspension of additional authority.* The division may suspend authority
22 established under this subsection and, in such case, may specify how an outstanding
23 loan shall be treated by the universal bank or its subsidiary. Among the factors that
24 the division may consider in suspending authority under this subsection are the
25 universal bank’s capital adequacy, asset quality, earnings quantity, earnings quality,

1 adequacy of liquidity and sensitivity to market risk and the ability of the universal
2 bank's management.

3 **222.0405 Investment powers. (1) INVESTMENT SECURITIES.** Except as
4 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite and hold
5 investment securities, consistent with safe and sound banking practices, up to 100%
6 of the universal bank's capital. A universal bank shall not invest greater than 20%
7 of the universal bank's capital in the investment securities of one obligor or issuer.
8 In this subsection, "investment securities" includes commercial paper, banker's
9 acceptances, marketable securities in the form of bonds, notes, debentures and
10 similar instruments that are regarded as investment securities.

11 **(2) EQUITY SECURITIES.** Except as provided in subs. (3) to (8), a universal bank
12 may purchase, sell, underwrite and hold equity securities, consistent with safe and
13 sound banking practices, up to 20% of capital or, if approved by the division in
14 writing, a greater percentage of capital.

15 **(3) HOUSING ACTIVITIES.** With the prior written consent of the division, a
16 universal bank may invest in the initial purchase and development, or the purchase
17 or commitment to purchase after completion, of home sites and housing for sale or
18 rental, including projects for the reconstruction, rehabilitation or rebuilding of
19 residential properties to meet the minimum standards of health and occupancy
20 prescribed for a local governmental unit, the provision of accommodations for retail
21 stores, shops and other community services that are reasonably incident to that
22 housing, or in the stock of a corporation that owns one or more of those projects and
23 that is wholly owned by one or more financial institutions. The total investment in
24 any one project may not exceed 15% of the universal bank's capital, nor may the
25 aggregate investment under this subsection exceed 50% of capital. A universal bank

1 may not make an investment under this subsection unless it is in compliance with
2 the capital requirements set by the division under s. 222.0305 (1) and with the capital
3 maintenance requirements of its deposit insurance corporation.

4 **(4) PROFIT-PARTICIPATION PROJECTS.** A universal bank may take equity positions
5 in profit-participation projects, including projects funded through loans from the
6 universal bank, in an aggregate amount not to exceed 20% of capital. The division
7 may suspend the investment authority under this subsection. If the division
8 suspends the investment authority under this subsection, the division may specify
9 how outstanding investments under this subsection shall be treated by the universal
10 bank or its subsidiary. Among the factors that the division may consider in
11 suspending authority under this subsection are the universal bank's capital
12 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity
13 and sensitivity to market risk and the ability of the universal bank's management.
14 This subsection does not authorize a universal bank, directly or indirectly through
15 a subsidiary, to engage in the business of underwriting insurance.

16 **(5) DEBT INVESTMENTS.** A universal bank may invest in bonds, notes, obligations
17 and liabilities described under s. 222.0403 (3) to (7), subject to the limitations under
18 those subsections.

19 **(6) CERTAIN LIABILITIES.** This section does not limit investment in the
20 liabilities described in s. 222.0403 (8).

21 **(7) CERTAIN INVESTMENTS.** A universal bank may invest without limitation in
22 any of the following:

23 (a) *Business development corporations.* Stocks or obligations of a corporation
24 organized for business development by this state or by the United States or by an
25 agency of this state or the United States.

1 (b) *Urban renewal investment corporations.* Obligations of an urban renewal
2 investment corporation organized under the laws of this state or of the United States.

3 (c) *Certain bank insurance companies.* An equity interest in an insurance
4 company or an insurance holding company organized to provide insurance for
5 universal banks and for persons affiliated with universal banks, solely to the extent
6 that this ownership is a prerequisite to obtaining directors' and officers' insurance
7 or blanket bond insurance for the universal bank through the company.

8 (d) *Certain remote service unit corporations.* Shares of stock, whether
9 purchased or otherwise acquired, in a corporation acquiring, placing and operating
10 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications
11 terminals under s. 221.0303 (2).

12 (e) *Service corporations.* Equity or debt securities or instruments of a service
13 corporation subsidiary of the universal bank.

14 (f) *Federal funds.* Advances of federal funds.

15 (g) *Certain risk management financial products.* With the prior written
16 approval of the division, financial futures transactions, financial options
17 transactions, forward commitments or other financial products for the purpose of
18 reducing, hedging or otherwise managing its interest rate risk exposure.

19 (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary
20 powers under ch. 112.

21 (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless
22 a universal bank owns at least 80% of the stock of the agricultural credit corporation,
23 a universal bank may not invest more than 20% of the universal bank's capital in the
24 agricultural credit corporation.

1 (j) *Deposit accounts and insured obligations.* Deposit accounts or insured
2 obligations of any financial institution, the accounts of which are insured by a deposit
3 insurance corporation.

4 (k) *Certain federal obligations.* Obligations of, or obligations that are fully
5 guaranteed by, the United States and stocks or obligations of any federal reserve
6 bank, federal home loan bank, the Student Loan Marketing Association, the
7 Government National Mortgage Association, the Federal National Mortgage
8 Association, the Federal Home Loan Mortgage Corporation or the Federal Deposit
9 Insurance Corporation.

10 (L) *Other investments.* Any other investment authorized by the division.

11 **(8)** INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS. In addition to the authority
12 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),
13 a universal bank may invest in other financial institutions.

14 **(9)** INVESTMENTS THROUGH SUBSIDIARIES. A universal bank may make
15 investments under this section, directly or indirectly through a subsidiary, unless
16 the division determines that an investment shall be made through a subsidiary with
17 appropriate safeguards to limit the risk exposure of the universal bank.

18 **222.0407 Universal bank purchase of its own stock. (1)** IN GENERAL. A
19 universal bank may hold or purchase not more than 10% of its capital stock, notes
20 or debentures, except as provided in sub. (2) or (3).

21 **(2)** DIVISION APPROVAL. A universal bank may hold or purchase more than 10%
22 of its capital stock, notes or debentures, if approved by the division.

23 **(3)** ADDITIONAL AUTHORITY. A universal bank may hold or purchase more than
24 10% of its capital stock, notes or debentures if the purchase is necessary to prevent
25 loss upon a debt previously contracted in good faith. Stock, notes or debentures held

1 or purchased under this subsection may not be held by the universal bank for more
2 than 6 months if the stock, notes or debentures can be sold for the amount of the claim
3 of the universal bank against the holder of the debt previously contracted. The
4 universal bank shall either sell the stock, notes or debentures within 12 months of
5 acquisition under this subsection or shall cancel the stock, notes or debentures.
6 Cancellation of the stock, notes or debentures reduces the amount of the universal
7 bank's capital stock, notes or debentures. If the reduction reduces the universal
8 bank's capital below the minimum level required by the division, the universal bank
9 shall increase its capital to the amount required by the division.

10 **(4) LOANS SECURED BY CAPITAL, SURPLUS OR DEPOSITS.** A universal bank may not
11 loan any part of its capital, surplus or deposits on its own capital stock, notes or
12 debentures as collateral security, except that a universal bank may make a loan
13 secured by its own capital stock, notes or debentures to the same extent that the
14 universal bank may make a loan secured by the capital stock, notes and debentures
15 of a holding company for the universal bank.

16 **222.0409 Stock in bank-owned banks.** With the approval of the division,
17 a universal bank may acquire and hold stock in one or more banks chartered under
18 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more
19 holding companies wholly owning such a bank. Aggregate investments under this
20 section may not exceed 10% of the universal bank's capital.

21 **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may
22 set eligibility requirements for, and establish the types and terms of, deposits that
23 the universal bank solicits and accepts. The terms set under this subsection may
24 include minimum and maximum amounts that the universal bank may accept and
25 the frequency and computation method of paying interest.

1 **(2) PLEDGE OF SECURITY FOR DEPOSITS.** Subject to the limitations of s. 221.0324
2 that are applicable to banks, a universal bank may pledge its assets as security for
3 deposits.

4 **(3) SECURITIZATION OF ASSETS.** With the approval of the division, a universal
5 bank may securitize its assets for sale to the public. The division may establish
6 procedures governing the exercise of authority granted under this subsection.

7 **(4) SAFE DEPOSIT POWERS.** A universal bank may take and receive, from any
8 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
9 money, stocks, securities, and other valuables or personal property; and rent out the
10 use of safes or other receptacles upon its premises upon such compensation as may
11 be agreed upon. A universal bank has a lien for its charges on any property taken
12 or received by it for safekeeping. If the lien is not paid within 2 years from the date
13 the lien accrues, or if property is not called for by the person depositing the property,
14 or by his or her representative or assignee, within 2 years from the date the lien
15 accrues, the universal bank may sell the property at public auction. A universal bank
16 shall provide the same notice for a sale under this subsection that is required by law
17 for sales of personal property on execution. After retaining from the proceeds of the
18 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
19 the universal bank shall pay the balance to the person depositing the property, or to
20 his or her representative or assignee.

21 **222.0413 Other service and incidental activity powers. (1) NECESSARY**
22 **OR CONVENIENT POWERS.** Unless otherwise prohibited or limited by this chapter, a
23 universal bank may exercise all powers necessary or convenient to effect the
24 purposes for which the universal bank is organized or to further the businesses in
25 which the universal bank is lawfully engaged.

1 **(2) REASONABLY RELATED POWERS.** (a) Subject to any applicable state or federal
2 regulatory or licensing requirements, a universal bank may engage, directly or
3 indirectly through a subsidiary, in activities reasonably related or incident to the
4 purposes of the universal bank. Activities reasonably related or incident to the
5 purposes of the universal bank are those activities that are part of the business of
6 financial institutions, or closely related to the business of financial institutions, or
7 convenient and useful to the business of financial institutions, or reasonably related
8 or incident to the operation of financial institutions or are financial in nature.
9 Activities that are reasonably related or incident to the purposes of a universal bank
10 include the following:

- 11 1. Business and professional services.
- 12 2. Data processing.
- 13 3. Courier and messenger services.
- 14 4. Credit-related activities.
- 15 5. Consumer services.
- 16 6. Real estate-related services, including real estate brokerage services.
- 17 7. Insurance and related services, other than insurance underwriting.
- 18 8. Securities brokerage.
- 19 9. Investment advice.
- 20 10. Securities and bond underwriting.
- 21 11. Mutual fund activities.
- 22 12. Financial consulting.
- 23 13. Tax planning and preparation.
- 24 14. Community development and charitable activities.
- 25 15. Debt cancellation contracts.

1 16. Any activities reasonably related or incident to activities under subds. 1.
2 to 15.

3 (b) An activity that is authorized by statute or regulation for financial
4 institutions to engage in as of the effective date of this paragraph [revisor inserts
5 date], is an activity that is reasonably related to or incident to the purposes of a
6 universal bank. An activity permitted under the Bank Holding Company Act is an
7 activity that is reasonably related to or incident to the purposes of a universal bank.
8 The list of activities reasonably related or incident to the purposes of a universal
9 bank may be expanded by the division. Any additional activity approved by the
10 division shall be authorized for all universal banks.

11 **(3) NOTICE REQUIREMENT.** A universal bank shall give 60 days' prior written
12 notice to the division of the universal bank's intention to engage in an activity under
13 this section.

14 **(4) STANDARDS FOR DENIAL.** The division may deny the authority of a universal
15 bank to engage in an activity under this section, other than those activities described
16 in sub. (2) (a) 1. to 16., if the division determines that the activity is not an activity
17 reasonably related or incident to the purposes of a universal bank, that the financial
18 institution is not well-capitalized or adequately capitalized, that the financial
19 institution is the subject of an enforcement action or that the financial institution
20 does not have satisfactory management expertise for the proposed activity.

21 **(5) INSURANCE INTERMEDIATION.** A universal bank, or an officer or salaried
22 employe of a universal bank, may obtain a license as an insurance intermediary, if
23 otherwise qualified. A universal bank may not, directly or indirectly through a
24 subsidiary, engage in the business of underwriting insurance.

1 **(6) OTHER ACTIVITIES APPROVED BY THE DIVISION.** A universal bank may engage
2 in any other activity that is approved by rule of the division.

3 **(7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY.** A universal bank may engage
4 in activities under this section, directly or indirectly through a subsidiary, unless the
5 division determines that an activity must be conducted through a subsidiary with
6 appropriate safeguards to limit the risk exposure of the universal bank.

7 **(8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES.** The amount of the
8 investment in any one subsidiary that engages in an activity under this section may
9 not exceed 20% of capital or, if approved by the division, a higher percentage
10 authorized by the division. The aggregate investment in all subsidiaries that engage
11 in an activity under this subsection may not exceed 50% of capital or, if approved by
12 the division, a higher percentage authorized by the division.

13 **(9) OWNERSHIP OF SUBSIDIARIES.** A subsidiary that engages in an activity under
14 this section may be owned jointly, with one or more other financial institutions,
15 individuals or entities.

16 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
17 exercise trust powers in accordance with s. 221.0316.

18 **SECTION 2347a.** 223.105 (3) (a) of the statutes is amended to read:

19 223.105 **(3)** (a) To assure compliance with such rules as may be established
20 under s. 220.04 (7) the division of banking, the office of credit unions and the division
21 of savings and loan institutions shall, at least once every 18 months, examine the
22 fiduciary operations of each organization which is under its respective jurisdiction
23 and is subject to examination under sub. (2). If a particular organization subject to
24 examination under sub. (2) is not otherwise under the jurisdiction of one of the
25 foregoing agencies, such examination shall be conducted by the division of banking.

1 **SECTION 2348a.** 223.105 (4) of the statutes is amended to read:

2 223.105 **(4)** NOTICE OF FIDUCIARY OPERATION. Except for those organizations
3 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
4 operations as defined in this section shall, as required by rule, notify the division of
5 banking, the office of credit unions or the division of savings ~~and loan~~ institutions of
6 that fact, directing the notice to the agency then exercising regulatory authority over
7 the organization or, if there is none, to the division of banking. Any organization
8 which intends to engage in fiduciary operations shall, prior to engaging in such
9 operations, notify the appropriate agency of this intention. The notifications
10 required under this subsection shall be on forms and contain information required
11 by the rules promulgated by the division of banking.

12 **SECTION 2349a.** 223.105 (5) of the statutes is amended to read:

13 223.105 **(5)** ENFORCEMENT REMEDY. The division of banking or the division of
14 savings ~~and loan~~ institutions or office of credit unions shall upon the failure of such
15 organization to submit notifications or reports required under this section or
16 otherwise to comply with the provisions of this section, or rules established by the
17 division of banking under s. 220.04 (7), upon due notice, order such defaulting
18 organization to cease and desist from engaging in fiduciary activities and may apply
19 to the appropriate court for enforcement of such order.

20 **SECTION 2350a.** 223.105 (6) of the statutes is amended to read:

21 223.105 **(6)** SUNSET. Except for an organization regulated by the office of credit
22 unions or the division of savings ~~and loan~~ institutions or an organization authorized
23 by the division of banking to operate as a bank or trust company under ch. 221 or this
24 chapter, an organization may not begin activity as a fiduciary operation under this
25 section after May 12, 1992. An organization engaged in fiduciary operations under

1 this section on May 12, 1992, may continue to engage in fiduciary operations after
2 that date.”.

3 **895.** Page 1193, line 20: delete lines 20 to 25.

4 **896.** Page 1194, line 1: delete lines 1 to 3.

5 **897.** Page 1194, line 9: after that line insert:

6 “SECTION 2353sm. 227.01 (13) (zu) of the statutes is created to read:
7 227.01 (13) (zu) Establishes standards under subch. IX of ch. 254.”.

8 **898.** Page 1194, line 9: after that line insert:

9 “SECTION 2353t. 227.01 (13) (ym) of the statutes is repealed.
10 SECTION 2353u. 227.01 (13) (zi) of the statutes is repealed.”.

11 **899.** Page 1194, line 10: delete lines 10 to 13.

12 **900.** Page 1194, line 13: after that line insert:

13 “SECTION 2355mm. 227.14 (1s) of the statutes is created to read:
14 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
15 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and
16 consumer protection or the department of health and family services prepares a
17 proposed rule based on the model food code published by the federal food and drug
18 administration, the proposed rule may be in the format of the model food code.”.

19 **901.** Page 1194, line 20: after that line insert:

20 “SECTION 2357a. 227.52 (5) of the statutes is amended to read:
21 227.52 (5) Decisions of the division of savings and loan institutions.

22 **SECTION 2358a.** 227.53 (1) (b) 4. of the statutes is amended to read:

1 227.53 (1) (b) 4. The savings and loan review board, the division of savings and
2 ~~loan~~ institutions, except if the petitioner is the division of savings and ~~loan~~
3 institutions, the prevailing parties before the savings and loan review board shall be
4 the named respondents.

5 **SECTION 2359a.** 227.53 (1) (b) 5. of the statutes is amended to read:

6 227.53 (1) (b) 5. The savings bank review board, the division of savings and ~~loan~~
7 institutions, except if the petitioner is the division of savings and ~~loan~~ institutions,
8 the prevailing parties before the savings bank review board shall be the named
9 respondents.”.

10 **902.** Page 1194, line 20: after that line insert:

11 “**SECTION 2359f.** 229.41 (8m) of the statutes is created to read:

12 229.41 (8m) “Labor organization” has the meaning given in s. 5.02 (8m).”.

13 **903.** Page 1195, line 5: after that line insert:

14 “**SECTION 2359j.** 229.44 (4) (d) of the statutes is amended to read:

15 229.44 (4) (d) Enter into contracts. All contracts, the estimated costs of which
16 exceed \$30,000, are subject to s. 229.46 (8), except contracts subject to s. 229.46 (5)
17 and contracts for personal or professional services, The contracts shall be subject
18 to bid and shall be awarded to the lowest qualified and competent bidder. The district
19 may reject any bid that is submitted under this paragraph.

20 **SECTION 2359k.** 229.46 (8) of the statutes is created to read:

21 229.46 (8) (a) The district shall ensure that the specifications for bids and
22 contracts for construction projects entered into under this subchapter do not do any
23 of the following:

1 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
2 an agreement with any labor organization concerning services to be performed in
3 relation to the project or a related project.

4 2. Discriminate against any bidder, contractor or subcontractor for refusing to
5 enter into or continue to adhere to an agreement with any labor organization
6 concerning services to be performed in relation to the project or a related project.

7 3. Require any bidder, contractor or subcontractor to enter into, continue to
8 adhere to or enforce any agreement that requires its employes, as a condition of
9 employment, to do any of the following:

10 a. Become members of or become affiliated with a labor organization.

11 b. Make payments to a labor organization, without the authorization of the
12 employes, exceeding the employes' proportionate share of the cost of collective
13 bargaining, contract administration and grievance adjustment.

14 (b) Any taxpayer of this state or any other person who enters into contracts or
15 subcontracts for building construction services may bring an action to require
16 compliance with par (a). If that person prevails in his or her action, the court shall
17 award to that person reasonable actual attorney fees in addition to other costs
18 allowed to prevailing parties under ch. 814.

19 **SECTION 2359L.** 229.65 (6m) of the statutes is created to read:

20 229.65 **(6m)** "Labor organization" has the meaning given in s. 5.02 (8m).

21 **SECTION 2359m.** 229.68 (4) (d) of the statutes is amended to read:

22 229.68 **(4)** (d) Enter into contracts, subject to s. 229.682 (9) and to such
23 standards as may be established by the district board. The district board may award
24 any such contract for any combination or division of work it designates and, subject

1 to s. 229.682 (9), may consider any factors in awarding a contract, including price,
2 time for completion of work and qualifications and past performance of a contractor.

3 **SECTION 2359n.** 229.682 (9) of the statutes is created to read:

4 **229.682 (9) CONTRACTS WITH LABOR ORGANIZATIONS.** (a) The district shall ensure
5 that the specifications for bids and contracts for construction projects entered into
6 under this subchapter do not do any of the following:

7 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
8 an agreement with any labor organization concerning services to be performed in
9 relation to the project or a related project.

10 2. Discriminate against any bidder, contractor or subcontractor for refusing to
11 enter into or continue to adhere to an agreement with any labor organization
12 concerning services to be performed in relation to the project or a related project.

13 3. Require any bidder, contractor or subcontractor to enter into, continue to
14 adhere to or enforce any agreement that requires its employes, as a condition of
15 employment, to do any of the following:

16 a. Become members of or become affiliated with a labor organization.

17 b. Make payments to a labor organization, without the authorization of the
18 employes, exceeding the employes' proportionate share of the cost of collective
19 bargaining, contract administration and grievance adjustment.

20 (b) Any taxpayer of this state or any other person who enters into contracts or
21 subcontracts for building construction services may bring an action to require
22 compliance with par. (a). If that person prevails in his or her action, the court shall
23 award to that person reasonable actual attorney fees in addition to other costs
24 allowed to prevailing parties under ch. 814.”

1 **904.** Page 1195, line 6: delete the material beginning with that line and
2 ending with page 1196, line 13.

3 **905.** Page 1197, line 3: delete lines 3 to 13 and substitute:

4 “**SECTION 2359ts.** 230.046 (4) of the statutes is amended to read:

5 230.046 **(4)** RECORDS OF TRAINING PROGRAM PARTICIPATION. Each agency shall
6 adopt a standardized system for measuring, recording, reporting, accumulating and
7 recognizing employe participation in its training program. ~~The system may not take~~
8 ~~effect until approved by the secretary.~~

9 **SECTION 2359tw.** 230.046 (5) (intro.) of the statutes is amended to read:

10 230.046 **(5)** INITIATION OF PROGRAMS. (intro.) Unless otherwise empowered by
11 law, any agency desiring to initiate a training program under sub. (3) shall certify
12 ~~to the secretary~~ ensure that:

13 **SECTION 2359uc.** 230.046 (10) of the statutes is repealed and recreated to read:

14 230.046 **(10)** DEPARTMENT FUNCTIONS. The department may do all of the
15 following:

16 (a) Conduct off-the-job employe development and training programs relating
17 to functions under this chapter or subch. V of ch. 111.

18 (b) Charge fees to state agencies whose employes participate in employe
19 development and training programs under this subsection.

20 **SECTION 2359uh.** 230.046 (11) of the statutes is repealed.”.

21 **906.** Page 1198, line 14: after that line insert:

22 “**SECTION 2362p.** 230.08 (2) (pm) of the statutes is amended to read:

23 230.08 **(2)** (pm) The All employes of the state fair park director board.”.

24 **907.** Page 1201, line 1: delete lines 1 to 5.

1 **908.** Page 1205, line 3: after that line insert:

2 “**SECTION 2376c.** 234.64 of the statutes is created to read:

3 **234.64 Biotechnology development finance company. (1)** In this section:

4 (a) “Biotechnology” means technology related to life sciences.

5 (b) “Capital participation instrument” means all of the following:

6 1. Any of the following or an option or other right to acquire any of the following:

7 a. Common or preferred capital stock.

8 b. Convertible securities.

9 c. Evidences of long-term or short-term indebtedness.

10 d. Warrants.

11 e. Subscriptions.

12 f. Partnership or membership interests.

13 2. Royalties or other lawful derivations of a capital participation instrument
14 listed under subd. 1.

15 (c) “Cost of a project” means costs associated with the design, planning and
16 implementation of a project that, in accordance with sound business and financial
17 practices, are appropriate charges to the project. The costs may include the costs of
18 planning and design, options to buy land, feasibility or other studies, equipment,
19 seed money, construction, working capital and any other costs determined by the
20 biotechnology development finance company to be necessary to the purposes of this
21 section.

22 (d) “Project” means commercial, industrial or other economic activity that is
23 undertaken by a biotechnology company in this state.

1 **(2)** (a) The authority may organize and maintain a biotechnology development
2 finance company as a nonstock, nonprofit corporation under ch. 181 for the exclusive
3 purpose of investing in new or existing biotechnology companies in this state. If the
4 authority organizes a biotechnology development finance company, the authority
5 shall transfer all moneys received by the authority in the transfer under 1999
6 Wisconsin Act (this act), section 9210 (2e), to the company for start-up capital and
7 for reasonable administrative expenses of the company.

8 (b) Subject to par. (c), the biotechnology development finance company may
9 purchase a capital participation instrument of a project. The biotechnology
10 development finance company shall ensure that all of the following apply with
11 respect to a project before any investment is made in the project:

12 1. The biotechnology company has certified that the project plans conform to
13 all applicable environmental, zoning, building, planning or sanitation laws.

14 2. There is a reasonable expectation that the biotechnology company will be
15 successful.

16 3. Private industry has not provided sufficient capital required for the project.

17 4. The investment is necessary to the successful completion of the proposed
18 project because other investment in the project is unavailable in the traditional
19 capital markets, or because capital has been offered on terms that would preclude
20 the success of the project.

21 5. Provision has been made by contract for adequate reporting of financial data
22 by the project to the biotechnology development finance company. Those provisions
23 may include a requirement for an annual or other periodic audit of the project's
24 financial records.

1 6. The proceeds of the purchase will be used solely in connection with the costs
2 of the project.

3 7. The biotechnology company is able to manage its project responsibilities.

4 (c) 1. The biotechnology development finance company may not own more than
5 49% of the voting stock or other interest in any enterprise as a result of a purchase
6 under par. (b).

7 2. The total investment by the biotechnology development finance company in
8 any one biotechnology company may not exceed \$200,000.

9 (d) The findings made by the biotechnology development finance company with
10 respect to whether a project meets the conditions under par. (b) 1. to 7. are conclusive.

11 **(3)** The authority shall enter into a contract with the biotechnology
12 development finance company. The contract shall provide that the authority may
13 make use of the services of the biotechnology development finance company and that
14 the authority shall advise, assist and provide administrative services to the
15 biotechnology development finance company. The authority shall determine the
16 type and scope of any administrative services provided by the authority to the
17 biotechnology development finance company. The authority may assign employees or
18 contract with private or state agencies to perform the administrative services. The
19 biotechnology development finance company may not engage in political activities.

20 **(4)** (a) The board of directors of the biotechnology development finance
21 company shall consist of all of the following members:

22 1. The executive director of the authority, or his or her designee.

23 2. The secretary of commerce, or his or her designee.

24 3. The secretary of administration, or his or her designee.

25 4. The executive director of the investment board, or his or her designee.

1 5. The president of the University of Wisconsin System, or his or her designee.

2 6. The president of Forward Wisconsin, Inc., or his or her designee.

3 7. A representative of the state's biotechnology research community.

4 8. A representative of the state's biotechnology industry.

5 9. A representative of the state's venture capital industry.

6 (b) The members under par. (a) 7. to 9. shall serve 5-year terms and the initial
7 members under par. (a) 7. to 9. shall be appointed by the governor. The biotechnology
8 development finance company, in its bylaws, shall specify the method for electing
9 new members under par. (a) 7. to 9. and for filling vacancies.

10 **(5)** Annually, the biotechnology development finance company shall provide a
11 report on its activities to the appropriate standing committees of each house of the
12 legislature in the manner provided under s. 13.172 (3) and to the governor.

13 **(6)** The assets transferred to, and the assets and liabilities of, the biotechnology
14 development finance company shall be separate from all other assets and liabilities
15 of the state, of all political subdivisions of the state and of the authority. Neither the
16 state, any political subdivision of the state nor the authority guarantees any
17 obligation of or has any obligation to the biotechnology development finance
18 company. Neither the state, any political subdivision of the state nor the authority
19 is liable for any debt or liability of the biotechnology development finance company.”.

20 **909.** Page 1208, line 5: delete the material beginning with that line and
21 ending with page 1209, line 4.

22 **910.** Page 1209, line 13: delete lines 13 to 19.

23 **911.** Page 1210, line 11: after that line insert:

1 “**SECTION 2400em.** 250.01 (4) (a) 4. of the statutes is repealed and recreated to
2 read:

3 250.01 **(4)** (a) 4. A multiple municipal local health department established
4 under s. 251.02 (3m).”.

5 **912.** Page 1211, line 9: delete “\$3,500,000” and substitute “\$1,750,000”.

6 **913.** Page 1211, line 9: delete “\$4,000,000” and substitute “\$2,000,000”.

7 **914.** Page 1211, line 18: after that line insert:

8 “**SECTION 2400qc.** 251.02 (1) of the statutes is amended to read:

9 251.02 **(1)** In counties with a population of less than 500,000, the county board
10 shall establish a county health department that meets the requirements of this
11 chapter. The county health department shall serve all areas of the county that are
12 not served by a city health department that was established prior to January 1, 1994,
13 or by a ~~town or village~~ multiple municipal local health department established under
14 sub. (3m). No city health department may be established after ~~that date~~ January 1,
15 1994, but a city–county health department may be established after that date.

16 **SECTION 2400qd.** 251.02 (3m) of the statutes is repealed and recreated to read:

17 251.02 **(3m)** If a county has a population of at least 100,000 but less than
18 500,000 and the county board of that county has, by July 1, 1985, abolished a county
19 health commission or committee established under s. 141.10, 1991 stats., the
20 governing body of a city, village or town in that county may, in concert with the
21 governing body of another city, village or town in that county, establish a multiple
22 municipal local health department and elect a local health officer consistent with
23 this chapter.

24 **SECTION 2400qe.** 251.03 (4m) of the statutes is repealed and recreated to read:

1 251.03 **(4m)** Subsections (1) to (4) do not apply to a city, village or town that
2 establishes a multiple municipal local health department under s. 251.02 (3m). In
3 establishing a multiple municipal local health department as described under s.
4 251.02 (3m), the relevant governing bodies shall agree on how many members of the
5 local board of health are appointed by each governing body and how many of each
6 governing body's appointees shall be members who are not elected officials or
7 employes of the governing body. The members shall be appointed by the relevant
8 governing bodies. A local board of health under this subsection shall elect a
9 chairperson and clerk.

10 **SECTION 2400qf.** 251.04 (1) of the statutes is amended to read:

11 251.04 **(1)** A city or county board of health shall govern each local health
12 department other than a local health department as authorized in s. 251.02 (3m) and
13 a city or county board of health or a board of health for a local health department as
14 authorized in s. 251.02 (3m) shall assure the enforcement of state public health
15 statutes and public health rules of the department as prescribed for a Level I local
16 health department. A local board of health may contract or subcontract to provide
17 public health services. The contractor's staff shall meet the appropriate
18 qualifications for positions in a Level I local health department.

19 **SECTION 2400qg.** 251.04 (2) of the statutes is amended to read:

20 251.04 **(2)** A city or county board of health or a board of health for a local health
21 department as authorized in s. 251.02 (3m) shall assure that its local health
22 department is a Level I, Level II or Level III local health department, as specified in
23 s. 251.05 (1).

24 **SECTION 2400qh.** 251.04 (3) of the statutes is amended to read:

1 251.04 (3) A city or county board of health or a board of health for a local health
2 department as authorized in s. 251.02 (3m) may adopt those regulations, for its own
3 guidance and for the governance of the local health department, that it considers
4 necessary to protect and improve public health. The regulations may be no less
5 stringent than, and may not conflict with, state statutes and rules of the department.

6 **SECTION 2400qi.** 251.06 (1) (a) 2. of the statutes is amended to read:

7 251.06 (1) (a) 2. A local health officer of a ~~village or town~~ multiple municipal
8 local health department established under s. 251.02 (3m) shall be either a physician
9 or a registered nurse. The local health officer shall be a voting member of the local
10 board of health and shall take an oath of office. With respect to the levels of services
11 of a Level I local health department, as specified in s. 251.05 (2) (a), the local health
12 officer shall be authorized to act by and be directed by the county health officer of the
13 county specified under s. 251.02 (3m).

14 **SECTION 2400qim.** 251.06 (2) (c) (intro.) of the statutes is amended to read:

15 251.06 (2) (c) (intro.) A local health officer of a multiple municipal local health
16 department ~~of a village or town~~ established under s. 251.02 (3m) shall be one of the
17 following:

18 **SECTION 2400qin.** 251.06 (2) (c) 1. of the statutes is amended to read:

19 251.06 (2) (c) 1. An employe of the multiple municipal local health department
20 ~~of the village or town~~.

21 **SECTION 2400qj.** 251.06 (4) (c) of the statutes is amended to read:

22 251.06 (4) (c) A local health officer of a ~~village or town~~ multiple municipal local
23 health department established under s. 251.02 (3m) shall be appointed by the local
24 board of health.

25 **SECTION 2400qk.** 251.12 of the statutes is amended to read:

1 **251.12 City health department, how financed.** The common council shall
2 appropriate funds for the operation of a city health department that is established
3 as specified in s. 251.02 (1) and (2) and for the operation of a multiple municipal local
4 health department that is established under s. 251.02 (3m) by the governing body of
5 a city in concert with the governing body of another city or a village or town.

6 **SECTION 2400qL.** 251.125 of the statutes is amended to read:

7 **251.125 Village health department, how financed.** If a village health
8 department is established under s. 251.02 (2) ~~or (3m)~~ or if a multiple municipal local
9 health department is established under s. 251.01 (3m) by the governing body of a
10 village in concert with the governing body of another village or a city or town, the
11 village board shall appropriate funds for the operation of the department.

12 **SECTION 2400qm.** 251.127 of the statutes is amended to read:

13 **251.127 Town health department, how financed.** If a ~~town~~ multiple
14 municipal local health department is established under s. 251.02 (3m) by the
15 governing body of a town in concert with the governing body of another town or a city
16 or village, the town board shall appropriate funds for the operation of the
17 department.”.

18 **915.** Page 1211, line 18: after that line insert:

19 “**SECTION 2400mf.** 252.07 (1) of the statutes is renumbered 252.07 (1m) and
20 amended to read:

21 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
22 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
23 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~
24 receives a specimen for tuberculosis testing shall report all positive results obtained

1 by any appropriate procedure, including a procedure performed by an out-of-state
2 laboratory, to the local health officer and to the department.

3 **SECTION 2400mg.** 252.07 (1g) of the statutes is created to read:

4 252.07 (1g) In this section:

5 (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory
6 tract, capable of producing infection or disease in others as demonstrated by the
7 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
8 radiograph and clinical findings.

9 (b) “Isolate” means a population of mycobacterium tuberculosis bacteria that
10 has been obtained in pure culture medium.

11 (c) “Isolation” means the separation from other persons of a person with
12 infectious tuberculosis in a place and under conditions that prevent the transmission
13 of the infection.

14 (d) “Suspect tuberculosis” means an illness marked by symptoms and
15 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,
16 prolonged fever, hemoptysis, compatible roentgenographic findings or other
17 appropriate medical imaging findings.

18 **SECTION 2400mh.** 252.07 (1p) of the statutes is created to read:

19 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
20 shall also perform organism identification for mycobacterium tuberculosis complex
21 using an approved rapid testing procedure specified by the department by rule.

22 **SECTION 2400mi.** 252.07 (1t) of the statutes is created to read:

23 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
24 ensure that antimicrobial drug susceptibility tests are performed on the initial

1 isolate. The laboratory shall report the results of these tests to the local health officer
2 and the department.

3 **SECTION 2400mj.** 252.07 (2) of the statutes is amended to read:

4 252.07 (2) The department shall identify groups at risk for contracting or
5 transmitting mycobacterium tuberculosis and shall recommend the protocol for
6 screening members of those groups. ~~If necessary to prevent or control the~~
7 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~
8 ~~that require screening of members of specific groups that are at risk for contracting~~
9 ~~or transmitting mycobacterium tuberculosis.~~

10 **SECTION 2400mk.** 252.07 (4) of the statutes is repealed.

11 **SECTION 2400mL.** 252.07 (5) of the statutes is amended to read:

12 252.07 (5) Upon report of any person under sub. (1) (1m) or (1t), the local health
13 officer shall at once investigate and make and enforce the necessary orders. If any
14 person does not voluntarily comply with any order made by the local health officer
15 with respect to that person, the local health officer or the department may order a
16 medical evaluation, directly observed therapy or home isolation of that person.

17 **SECTION 2400mm.** 252.07 (7) of the statutes is repealed.

18 **SECTION 2400mn.** 252.07 (8) of the statutes is created to read:

19 252.07 (8) (a) The department or a local health officer may order the
20 confinement to a facility of an individual who has a confirmed diagnosis of infectious
21 tuberculosis or suspect tuberculosis if all of the following conditions are met:

22 1. The department or local health officer notifies a court in writing of the
23 confinement.

1 2. The department or local health officer provides to the court a written
2 statement from a physician that the individual has infectious tuberculosis or suspect
3 tuberculosis.

4 3. The department or local health officer provides to the court evidence that the
5 individual has refused to follow a prescribed treatment regimen or, in the case of an
6 individual with suspect tuberculosis, has refused to undergo a medical examination
7 to confirm whether the individual has infectious tuberculosis.

8 4. In the case of an individual with a confirmed diagnosis of infectious
9 tuberculosis, the department or local health officer determines that the individual
10 poses an imminent and substantial threat to himself or herself or to the public
11 health. The department or local health officer shall provide to the court a written
12 statement of that determination.

13 (b) If the department or local health officer orders the confinement of an
14 individual under this subsection, a law enforcement officer, or other person
15 authorized by the local public health officer, shall transport the individual, if
16 necessary, to a facility that the department or local health officer determines will
17 meet the individual's need for medical evaluation, isolation and treatment.

18 (c) No individual may be confined under this subsection for more than 72 hours,
19 excluding Saturdays, Sundays and legal holidays, without a court hearing under
20 sub. (9) to determine whether the confinement should continue.

21 **SECTION 2400mo.** 252.07 (9) of the statutes is created to read:

22 252.07 (9) (a) The department or a local health officer may petition any court
23 for a hearing to determine whether an individual with infectious or suspect
24 tuberculosis should be confined for longer than 72 hours in a facility where proper
25 care and treatment will be provided and spread of the disease will be prevented. The

1 department or local health officer shall include in the petition documentation that
2 demonstrates all of the following:

3 1. That the individual named in the petition has infectious tuberculosis; that
4 the individual has noninfectious tuberculosis but is at high risk of developing
5 infectious tuberculosis; or that the individual has suspect tuberculosis.

6 2. That the individual has failed to comply with the prescribed treatment
7 regimen or with any rules promulgated by the department under sub. (11); or that
8 the disease is resistant to the medication prescribed to the individual.

9 3. That all other reasonable means of achieving voluntary compliance with
10 treatment have been exhausted and no less restrictive alternative exists; or that no
11 other medication to treat the resistant disease is available.

12 4. That the individual poses an imminent and substantial threat to himself or
13 herself or to the public health.

14 (b) The department or local health officer shall give the individual written
15 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice
16 of the hearing shall include all of the following information:

17 1. The date, time and place of the hearing.

18 2. The grounds, and underlying facts, upon which confinement of the individual
19 is being sought.

20 3. An explanation of the individual's rights specified under par. (d).

21 4. The proposed actions to be taken and the reasons for each action.

22 (c) If the court orders confinement of an individual under this subsection, the
23 individual shall remain confined until the department or local health officer, with the
24 concurrence of a treating physician, determines that treatment is complete or that
25 the individual is no longer a substantial threat to himself or herself or to the public

1 health. If the individual is to be confined for more than 6 months, the court shall
2 review the confinement every 6 months.

3 (d) An individual who is the subject of a petition for a hearing under this
4 subsection has the right to appear at the hearing, the right to present evidence and
5 cross-examine witnesses and the right to be represented by adversary counsel. At
6 the time of the filing of the petition the court shall assure that the individual who is
7 the subject of the petition is represented by adversary counsel. If the individual
8 claims or appears to be indigent, the court shall refer the individual to the authority
9 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
10 the court shall refer that child to the state public defender who shall appoint counsel
11 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
12 good cause is shown, a hearing under this subsection may be conducted by telephone
13 or live audiovisual means, if available.

14 (e) An order issued by the court under this subsection may be appealed as a
15 matter of right. An appeal shall be heard within 30 days after the appeal is filed.
16 An appeal does not stay the order.

17 **SECTION 2400mp.** 252.07 (11) of the statutes is created to read:

18 252.07 (11) The department may promulgate any rules necessary for the
19 administration and enforcement of this section, including, if necessary to prevent or
20 control the transmission of mycobacterium tuberculosis, rules that require screening
21 of members of specific groups that are at risk for contracting or transmitting
22 mycobacterium tuberculosis.

23 **SECTION 2400mq.** 252.073 of the statutes is repealed.

24 **SECTION 2400mr.** 252.076 of the statutes is repealed.

25 **SECTION 2400ms.** 252.08 (1) of the statutes is repealed.

1 **SECTION 2400mt.** 252.08 (2) of the statutes is repealed.

2 **SECTION 2400mu.** 252.08 (3) of the statutes is renumbered 252.07 (10) and
3 amended to read:

4 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
5 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
6 not eligible for federal medicare benefits, for medical assistance under subch. V IV
7 of ch. 49 or for health care services funded by a relief block grant under subch. II of
8 ch. 49 may be reimbursed if provided by a facility contracted by the department. If
9 the patient has private health insurance, the state shall pay the difference between
10 health insurance payments and total charges.

11 **SECTION 2400mv.** 252.08 (4) of the statutes is repealed.

12 **SECTION 2400mw.** 252.08 (5) of the statutes is repealed.

13 **SECTION 2400mx.** 252.08 (6) of the statutes is repealed.

14 **SECTION 2400my.** 252.09 of the statutes is repealed.”.

15 **916.** Page 1213, line 22: after that line insert:

16 “**SECTION 2430L.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act
17 156, is amended to read:

18 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
19 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
20 and dispensed to patients through the public health dispensaries ~~or through health~~
21 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~
22 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~
23 ~~marriage and family therapists or professional counselors certified under ch. 457,~~
24 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~

1 ~~speech and language pathologists licensed by the department of public instruction~~
2 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~
3 ~~or advanced practice nurse prescribers.~~”

4 **917.** Page 1214, line 4: after that line insert:

5 “**SECTION 2432d.** 252.12 (2) (a) 3. (intro.) of the statutes is amended to read:

6 252.12 (2) (a) 3. ‘Statewide public education campaign.’ (intro.) The
7 department shall promote public awareness of the risk of contracting acquired
8 immunodeficiency syndrome and measures for acquired immunodeficiency
9 syndrome protection by development and distribution of information through clinics
10 providing family planning services, as defined in s. 253.07 (1) (b) 49.001 (1s), offices
11 of physicians and clinics for sexually transmitted diseases and by newsletters, public
12 presentations or other releases of information to newspapers, periodicals, radio and
13 television stations and other public information resources. The information would
14 be targeted at individuals whose behavior puts them at risk of contracting acquired
15 immunodeficiency syndrome and would encompass the following topics:”

16 **918.** Page 1214, line 7: delete “\$1,994,900” and substitute “\$1,933,600”.

17 **919.** Page 1215, line 4: after that line insert:

18 “**SECTION 2432r.** 252.14 (1) (ar) 4q. of the statutes is created to read:

19 252.14 (1) (ar) 4q. An athletic trainer licensed under subch. VI of ch. 448.”

20 **920.** Page 1215, line 4: after that line insert:

21 “**SECTION 2435d.** 253.02 (2) (a) of the statutes is repealed.

22 **SECTION 2435e.** 253.02 (2) (g) of the statutes is amended to read:

1 253.02 (2) (g) Maternal and child health system coordination services that
2 promote coordination of public and private sector activities in areas of the maternal
3 and child health program described in pars. (a) (b) to (f).”.

4 **921.** Page 1215, line 4: after that line insert:

5 “**SECTION 2434d.** 252.15 (1) (ab) of the statutes is amended to read:

6 252.15 (1) (ab) “Affected person” means an emergency medical technician, first
7 responder, fire fighter, peace officer, correctional officer, person who is employed at
8 a secured correctional facility, as defined in s. 938.02 (15m), ~~or at a secured child~~
9 ~~caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined~~
10 in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated
11 with custodial authority by the jailer or keeper, health care provider, employe of a
12 health care provider or staff member of a state crime laboratory.

13 **SECTION 2435d.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

14 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
15 emergency medical technician, first responder, fire fighter, peace officer, correctional
16 officer, person who is employed at a secured correctional facility, as defined in s.
17 938.02 (15m), ~~or at a secured child caring institution, as defined in s. 938.02 (15g),~~
18 or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or
19 keeper of a jail or person designated with custodial authority by the jailer or keeper
20 who, during the course of providing care or services to an individual; or a peace
21 officer, correctional officer, state patrol officer, jailer or keeper of a jail or person
22 designated with custodial authority by the jailer or keeper who, while searching or
23 arresting an individual or while controlling or transferring an individual in custody;
24 or a health care provider or an employe of a health care provider who, during the

1 course of providing care or treatment to an individual or handling or processing
2 specimens of body fluids or tissues of an individual; or a staff member of a state crime
3 laboratory who, during the course of handling or processing specimens of body fluids
4 or tissues of an individual; is significantly exposed to the individual may subject the
5 individual's blood to a test or a series of tests for the presence of HIV, antigen or
6 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of
7 the results.”.

8 **922.** Page 1215, line 4: after that line insert:

9 “**SECTION 2432jk.** 252.14 (1) (d) of the statutes is amended to read:

10 252.14 (1) (d) “Inpatient health care facility” means a hospital, nursing home,
11 community-based residential facility, county home, county mental health complex,
12 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department
13 under ~~ss. s.~~ s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073~~
14 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42
15 or 252.10.”.

16 **923.** Page 1215, line 4: after that line insert:

17 “**SECTION 2434n.** 253.02 (2m) (intro.) of the statutes is amended to read:

18 253.02 (2m) (intro.) Nothing in this section authorizes the performance,
19 promotion, encouragement or counseling in favor of, or referral either directly or
20 through an intermediary for, voluntary termination of pregnancy. Nothing in this
21 section prohibits the ~~providing of nondirective information explaining~~ promotion,
22 encouragement or counseling in favor of, or referral either directly or through an
23 intermediary for, any of the following:

24 **SECTION 2434p.** 253.02 (2m) (c) of the statutes is repealed.”.

1 **SECTION 2485h.** 254.911 of the statutes is created to read:

2 **254.911 Definitions.** In this subchapter:

3 **(1)** “Cigarette” has the meaning given in s. 139.30 (1).

4 **(2)** “Governmental regulatory authority” means the department; the local
5 health department, state agency or law enforcement agency with which the
6 department contracts under s. 254.916 (1) (a); or the person with whom the local
7 health department, state agency or law enforcement agency contracts under s.
8 254.916 (1) (a).

9 **(3)** “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

10 **(4)** “Retailer” has the meaning given in s. 134.66 (1) (g).

11 **(5)** “Retail outlet” means a place of business from which cigarettes or tobacco
12 products are sold at retail to consumers.

13 **(6)** “State agency” has the meaning given in s. 1.12 (1) (b).

14 **(7)** “Tobacco products” has the meaning given in s. 139.75 (12).

15 **(8)** “Tobacco vending machine” is any mechanical device that automatically
16 dispenses cigarettes or tobacco products when money or tokens are deposited in the
17 device in payment for the cigarettes or tobacco products.

18 **(9)** “Tobacco vending machine operator” means a person who acquires tobacco
19 products or stamped cigarettes from manufacturers, as defined in s. 134.66 (1) (e),
20 or permittees, stores them and sells them through the medium of tobacco vending
21 machines that he or she owns, operates or services and that are located on premises
22 that are owned or under the control of other persons.

23 **(10)** “Tobacco vending machine premises” means any area in which a tobacco
24 vending machine is located.

25 **SECTION 2485j.** 254.916 of the statutes is created to read:

1 **254.916 Department; authority. (1)** (a) In the administration of this
2 subchapter, the department may contract with local health departments, as agents
3 of the department, with a state agency or with law enforcement agencies of the state,
4 or of a county, city, village or town, to cause unannounced investigations to be
5 conducted annually at retail outlets, including sites of tobacco vending machines, to
6 survey overall levels of compliance with s. 134.66 (2) (a). A person with whom the
7 department contracts under this paragraph may contract with another person to
8 conduct the investigations. Except any survey conducted under 21 CFR part 897, the
9 survey under this subsection shall cover a range of retail outlets that are not
10 preselected on the basis of prior violations, in order to measure overall levels of
11 compliance as well as to identify violations. The survey shall be conducted so as to
12 provide a sample of retail outlets that reflects the distribution of minors throughout
13 the state and the distribution of the retail outlets throughout the state where minors
14 are likely to attempt to purchase cigarettes. The survey shall include all types of
15 retail outlets that are required to comply with s. 134.66 (2) (a). The department shall
16 use statistically sound sampling techniques in designing the annual surveys so as
17 to measure overall levels of compliance and shall stratify the sample so as to measure
18 compliance by type of retail outlet, including all of the following:

- 19 1. A private place of business other than a retail establishment.
- 20 2. A barroom, as defined in s. 125.51 (3m) (a), that is located on premises
21 described in a license issued under s. 125.26 or 125.51 (3).

22 (b) The department, in consultation with retailers, shall establish standards
23 for procedures and training for conducting investigations under this section.

1 **(2)** With the permission of his or her parent or guardian, a person under 18
2 years of age, but not under 15 years of age, may buy, attempt to buy or possess any
3 cigarette or tobacco product if all of the following are true:

4 (a) The person commits the act for the purpose of conducting an investigation
5 under this section.

6 (b) The person is directly supervised during the conducting of the investigation
7 by an adult employe of a governmental regulatory authority.

8 (c) The person has prior written authorization to commit the act from a
9 governmental regulatory authority or a district attorney or from an authorized agent
10 of a governmental regulatory authority or a district attorney.

11 **(3)** (a) All of the following, unless otherwise specified, apply in conducting
12 investigations under this section:

13 1. If questioned about his or her age during the course of an investigation, the
14 minor shall state his or her true age.

15 2. A minor may not be used for the purposes of an investigation at a retail outlet
16 at which the minor is a regular customer.

17 3. The appearance of a minor may not be materially altered so as to indicate
18 greater age.

19 4. A photograph or videotape of the minor shall be made before and after the
20 investigation, or series of investigations, and shall be retained for 2 years.

21 5. Except investigations conducted under a grant received under 42 USC
22 300x-21, within 24 hours after the completion of a sale or other distribution of
23 cigarettes or tobacco products, the employe of the governmental regulatory authority
24 supervising the minor under sub. (2) shall inform the person who sold or distributed
25 the cigarettes or tobacco products to the minor of the investigation.

1 6. The results of an investigation, including the issuance of any citation by a
2 governmental regulatory authority for a violation that occurs during the conduct of
3 the investigation, shall be made known to the retailer or the retailer's employe or
4 agent within 24 hours after the occurrence of the violation. This subdivision does not
5 apply to investigations conducted under a grant received under 42 USC 300x-021.

6 7. Except with respect to investigations conducted under 42 USC 300x-021 or
7 21 CFR part 897, all of the following information shall be reported to the department,
8 and to the retailer, within 7 days after the conduct of an investigation under this
9 section:

10 a. The name and position of the governmental regulatory authority employe
11 who directly supervised the investigation.

12 b. The date of birth of the minor.

13 c. The date and time of the investigation.

14 d. A reasonably detailed description of the circumstances giving rise to a
15 violation, if any, or, if there is no violation, written notice to that effect.

16 e. Any other relevant information requested by the department.

17 (b) An investigation under this section conducted by a governmental regulatory
18 authority shall be conducted in strict conformity with this section.

19 **(4)** No results of an investigation conducted under this section may be included
20 in the survey specified under sub. (1) if it is proved that the requirements under sub.
21 (3) were not met in conducting the investigation.

22 **(5)** No evidence obtained during or otherwise arising from the course of an
23 investigation under this section that is used to prosecute a person for a violation of
24 s. 134.66 (2) (a) may be used in the prosecution of an alleged violation of s. 125.07 (3).

1 **(6)** The department shall compile the results of investigations performed under
2 this section and shall prepare an annual report that reflects the results for
3 submission with the state’s application for federal funds under 42 USC 300x–21. The
4 report shall be published for public comment at least 60 days before the beginning
5 of negotiations under sub. (7).

6 **(7)** The department shall strive annually to negotiate with the federal
7 department of health and human services realistic and attainable interim
8 performance targets for compliance with 42 USC 300x–26.

9 **(8)** A governmental regulatory agency under this section shall meet standards
10 established by the department of health and family services. The department shall
11 annually evaluate the investigation program of each governmental regulatory
12 authority. If, at any time, a governmental regulatory authority fails to meet the
13 standards, the department of health and family services may terminate the contract
14 under sub. (1).

15 **(9)** The department shall provide education and training to governmental
16 regulatory authorities to ensure uniformity in the enforcement of this subchapter.

17 **(10)** This section does not limit the authority of the department to investigate
18 establishments in jurisdictional areas of governmental regulatory authorities if the
19 department investigates in response to an emergency, for the purpose of monitoring
20 and evaluating the governmental regulatory authority’s investigation and
21 enforcement program or at the request of the governmental regulatory authority.

22 **(11)** The department shall hold a hearing under ch. 227 if any interested
23 person, in lieu of proceeding under ch. 68, appeals to the department alleging that
24 the person making an investigation of the appellant has a financial interest in a
25 regulated cigarette and tobacco product retailer, tobacco vending machine operator,

1 tobacco vending machine premises or tobacco vending machine which may interfere
2 with his or her ability to properly take that action.

3 **SECTION 2485L.** 254.92 (2) (b) of the statutes is created to read:

4 254.92 (2) (b) A person under 18 years of age, but not under 15 years of age,
5 may purchase, attempt to purchase or possess cigarettes or tobacco products in the
6 course of his or her participation in an investigation under s. 254.916 that is
7 conducted in accordance with s. 254.916 (3) (a).”.

8 **930.** Page 1233, line 19: after that line insert:

9 “**SECTION 2485t.** 255.05 (1) (a) of the statutes is amended to read:

10 255.05 (1) (a) “Institution” means any hospital, nursing home, county home,
11 county mental hospital, ~~tuberculosis sanatorium,~~ community-based residential
12 facility or other place licensed or approved by the department under ~~ss. s.~~ s. 49.70,
13 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.~~”.

14 **931.** Page 1234, line 14: after “may” insert “, beginning July 1, 2000.”.

15 **932.** Page 1234, line 24: delete that line and substitute “\$500,000 in fiscal
16 year 2000–01 and in each fiscal year thereafter.”.

17 **933.** Page 1235, line 2: delete that line and substitute “under s. 255.10,
18 \$500,000 in”.

19 **934.** Page 1235, line 4: delete lines 4 to 6.

20 **935.** Page 1235, line 11: delete lines 11 to 15.

21 **936.** Page 1236, line 12: delete “beginning in fiscal year 2000–01,”.

22 **937.** Page 1238, line 10: after that line insert:

23 “**SECTION 2487x.** 281.165 of the statutes is created to read:

1 **281.165 Compliance with water quality standards for wetlands.** An
2 activity shall be considered to comply with the water quality standards that are
3 applicable to wetlands and that are promulgated as rules under s. 281.15 and is
4 exempt from any prohibition, restriction, requirement, permit, license, approval,
5 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)
6 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,
7 order issued or ordinance adopted under any of those sections or chapters, if the
8 activity meets all of the following requirements:

9 **(1)** The wetland area that will be affected by the activity is less than 15 acres
10 in size.

11 **(2)** The site of the activity is zoned for industrial use and is in the vicinity of
12 a manufacturing facility.

13 **(3)** The site of the activity is within the corporate limits of a city on January
14 1, 1999.

15 **(4)** The governing body of the city adopts a resolution stating that the
16 exemption under this section is necessary to protect jobs that exist in the city on the
17 date of the adoption of the resolution or is necessary to promote job creation.

18 **(5)** The site of the activity is located in Trempealeau County.”.

19 **938.** Page 1239, line 2: after that line insert:

20 **SECTION 2490z.** 281.57 (10t) of the statutes is created to read:

21 **281.57 (10t)** LOAN FOR A DRINKING WATER TREATMENT PLANT. Notwithstanding
22 subs. (2), (4) to (10) and (12), during the 1999–2001 biennium, the department shall
23 provide a loan of \$1,100,000 to the village of Marathon for the upgrading or
24 replacement of a drinking water treatment plant. The department may not charge

1 any interest on the loan. The department may not require the municipality to repay
2 the loan until the municipality receives a grant from the federal environmental
3 protection agency for the upgrading or replacement of the drinking water treatment
4 plant. If the federal environmental protection agency denies the grant or a portion
5 of the grant, the village of Marathon shall repay the amount of the loan that exceeds
6 the amount of the grant.”.

7 **939.** Page 1276, line 4: after that line insert:

8 “**SECTION 2554r.** 285.53 (1) (a) of the statutes is amended to read:

9 285.53 (1) (a) *Applicability.* This subsection applies to a medical waste
10 incinerator, as defined in s. 287.07 (7) (e) 1. ~~cf. (8) (a) 5.~~, that has a capacity of 5 tons
11 or more per day.

12 **SECTION 2554rm.** 285.53 (2) of the statutes is amended to read:

13 285.53 (2) CONTINUOUS MONITORING. A person operating or responsible for the
14 operation of a medical waste incinerator, as defined in s. 287.07 (7) (e) 1. ~~cf. (8) (a) 5.~~,
15 shall continuously monitor emissions from the medical waste incinerator.

16 **SECTION 2554t.** 285.55 (1) of the statutes is amended to read:

17 285.55 (1) In this section, “medical waste incinerator” means a facility for solid
18 waste treatment, as defined in s. 289.01 (39), that burns medical waste, as defined
19 in s. 287.07 (7) (e) 1. ~~cf. (8) (a) 4.~~

20 **SECTION 2554u.** 285.55 (4) (intro.) of the statutes is amended to read:

21 285.55 (4) (intro.) Subsection (2) does not apply to the issuance of an air
22 pollution control permit or a license under s. 289.31 for the construction or
23 modification of a medical waste incinerator by one or more hospitals, as defined in

1 s. 50.33 (2), clinics, as defined in s. 287.07 (7) ~~(e) 1. a.~~ (8) (a) 1., or nursing homes, as
2 defined in s. 50.01 (3), if all of the following apply:

3 **SECTION 2555e.** 285.63 (10) (a) of the statutes is amended to read:

4 285.63 **(10)** (a) In this subsection, “medical waste incinerator” has the meaning
5 given in s. 287.07 (7) ~~(e) 1. cr.~~ (8) (a) 5.

6 **SECTION 2555f.** 285.63 (10) (c) 4. of the statutes is repealed.”.

7 **940.** Page 1278, line 15: after that line insert:

8 “**SECTION 2559b.** 287.01 (2) of the statutes is repealed.

9 **SECTION 2559bm.** 287.01 (5) of the statutes is repealed.

10 **SECTION 2559c.** 287.01 (6) of the statutes is repealed.

11 **SECTION 2559cm.** 287.01 (8) of the statutes is repealed.

12 **SECTION 2559d.** 287.01 (9) of the statutes is repealed.

13 **SECTION 2559e.** 287.03 (1) (e) of the statutes is created to read:

14 287.03 **(1)** (e) Promulgate by rule a model recycling ordinance for
15 municipalities and counties.

16 **SECTION 2559f.** 287.07 (1m) (title) of the statutes is amended to read:

17 287.07 **(1m)** (title) BATTERIES, MAJOR APPLIANCES AND, OIL AND TIRES.

18 **SECTION 2559fm.** 287.07 (1m) (c) of the statutes is created to read:

19 287.07 **(1m)** (c) Dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid
20 waste disposal facility or burn a waste tire, as defined in s. 289.55 (1) (c), without
21 energy recovery in a solid waste treatment facility in this state.

22 **SECTION 2559g.** 287.07 (2) of the statutes is repealed.

23 **SECTION 2559gm.** 287.07 (3) of the statutes is repealed.

24 **SECTION 2559h.** 287.07 (4) of the statutes is repealed.

1 **SECTION 2559i.** 287.07 (7) (a) of the statutes, as affected by 1997 Wisconsin Act
2 27, is repealed.

3 **SECTION 2559j.** 287.07 (7) (b) 1. b. of the statutes is amended to read:

4 287.07 (7) (b) 1. b. “Operating solid waste treatment facility” means a solid
5 waste treatment facility that has an operating permit or license issued under s.
6 285.60 or 289.31 prior to May 11, 1990, except for a medical waste incinerator, as
7 defined in ~~par. (e) 1. or~~ sub. (8) (a) 5.

8 **SECTION 2559jm.** 287.07 (7) (b) 2. of the statutes is amended to read:

9 287.07 (7) (b) 2. ~~A. The prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4)~~
10 ~~(b), (c), (f), (g), (h) or (i) (1m) (c)~~ does not apply to a person who converts into fuel or
11 burns at an operating solid waste treatment facility a the type of material identified
12 ~~in one of those paragraphs that paragraph~~ that was converted into fuel or burned at
13 the operating solid waste treatment facility during April, 1990, and either is
14 generated in the operating solid waste treatment facility’s current service area or is
15 generated by the owner of the operating solid waste treatment facility.

16 **SECTION 2559k.** 287.07 (7) (b) 3. of the statutes, as created by 1997 Wisconsin
17 Act 27, is amended to read:

18 287.07 (7) (b) 3. ~~The prohibitions in subs. (3) and (4) do~~ prohibition in sub. (1m)
19 (c) does not apply to a person who converts into fuel or burns at an operating solid
20 waste treatment facility any the material identified in ~~those subsections that~~
21 paragraph if the person converted into fuel or burned the material at the operating
22 solid waste treatment facility during April, 1990, and the material is generated
23 outside of this state.

24 **SECTION 2559L.** 287.07 (7) (bg) of the statutes is amended to read:

1 287.07 (7) (bg) The prohibitions in ~~subs. sub. (1m) to (4)~~ do not apply to a person
2 who burns solid waste at a facility that uses solid waste as a supplemental fuel if less
3 than 30% of heat input to the facility is derived from the solid waste burned as
4 supplemental fuel.

5 **SECTION 2559m.** 287.07 (7) (c) of the statutes is repealed.

6 **SECTION 2559mm.** 287.07 (7) (d) of the statutes, as affected by 1997 Wisconsin
7 Act 27, is repealed.

8 **SECTION 2559n.** 287.07 (7) (e) of the statutes is repealed.

9 **SECTION 2559p.** 287.07 (7) (f) of the statutes is amended to read:

10 287.07 (7) (f) ~~The prohibitions in subs. (2) and (3) do prohibition in sub. (1m)~~
11 (c) does not apply to the beneficial reuse of a material waste tires within a solid waste
12 disposal facility if the beneficial reuse of the material waste tires is approved in the
13 solid waste disposal facility's plan of operation under s. 289.30.

14 **SECTION 2559pm.** 287.07 (7) (g) of the statutes is repealed.

15 **SECTION 2559q.** 287.07 (7) (h) of the statutes is repealed.

16 **SECTION 2559qm.** 287.07 (8) (a) of the statutes is renumbered 287.07 (8) (am),
17 and 287.07 (8) (am) (intro.), as renumbered, is amended to read:

18 287.07 (8) (am) (intro.) A generator of medical waste that sends waste to a
19 medical waste incinerator shall develop policies concerning reduction of medical
20 waste, ~~as defined in sub. (7) (c) 1. eg.,~~ including all of the following:

21 **SECTION 2559r.** 287.07 (8) (a) of the statutes is created to read:

22 287.07 (8) (a) In this subsection:

23 1. "Clinic" means a place, other than a residence, that is used primarily for the
24 provision of nursing, medical, podiatric, dental, chiropractic, optometric or
25 veterinary care and treatment.

1 2. “Hospital” has the meaning given in s. 50.33 (2).

2 3. “Infectious waste” means solid waste that contains pathogens with sufficient
3 virulence and in sufficient quantity that exposure of a susceptible human or animal
4 to the solid waste could cause the human or animal to contract an infectious disease.

5 4. “Medical waste” means containers, packages and materials that contain
6 infectious waste or that are from a treatment area and are mixed with infectious
7 waste.

8 5. “Medical waste incinerator” means a solid waste treatment facility that
9 primarily burns infectious waste and other waste that contains or may be mixed with
10 infectious waste.

11 6. “Nursing home” has the meaning given in s. 50.01 (3).

12 7. “Treatment area” means a room or area in a hospital or clinic the primary
13 use of which is to provide emergency care, diagnosis or radiological treatment; an
14 obstetrics delivery room in a hospital, other than a patient’s room; or a room or area
15 in a hospital, clinic or nursing home, identified by the department by rule, in which
16 infectious waste is generated.

17 **SECTION 2559rm.** 287.09 of the statutes is repealed.

18 **SECTION 2559s.** 287.095 of the statutes is amended to read:

19 **287.095 ~~Responsible unit~~ Local governmental liability.** (1) DEFINITION.

20 In this section, “~~responsible unit~~ local official” means any officer, official, agent or
21 employe of a ~~responsible unit~~ municipality or county engaged in the planning,
22 management, operation or approval of a recycling program or recycling site or
23 facility.

24 **(2) EXEMPTION FROM LIABILITY.** No ~~responsible unit~~ local official is liable for civil
25 damages as a result of good faith actions taken by the ~~responsible unit~~ local official

1 within the scope of duties relating to the ~~responsible unit's~~ municipality or county
2 recycling program or recycling site or facility.

3 **SECTION 2559t.** 287.10 of the statutes is repealed.”.

4 **941.** Page 1278, line 16: delete that line and substitute:

5 “**SECTION 2559v.** 287.11 of the statutes, as affected by 1997 Wisconsin Act 27,
6 is repealed.

7 **SECTION 2560e.** 287.19 (1) (b) (intro.) of the statutes is amended to read:

8 287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling
9 programs created under ~~s. 287.09 (2) (a)~~:

10 **SECTION 2560m.** 287.21 (intro.) of the statutes is amended to read:

11 **287.21 Statewide education program.** (intro.) The department shall
12 collect, prepare and disseminate information and conduct educational and training
13 programs designed to assist in the implementation of solid waste management
14 programs under ss. 287.01 to 287.31, enhance municipal and county solid waste
15 management programs under ~~s. 287.09 (2) (a)~~ and inform the public of the
16 relationship among an individual's consumption of goods and services, the
17 generation of different types and quantities of solid waste and the implementation
18 of the solid waste management priorities in s. 287.05 (12). The department shall
19 prepare the information and programs on a statewide basis for the following groups:

20 **SECTION 2560w.** 287.23 of the statutes, as affected by 1999 Wisconsin Act
21 (this act), is repealed.”.

22 **942.** Page 1278, line 17: delete the material beginning with that line and
23 ending with page 1279, line 7, and substitute:

24 “**SECTION 2560wm.** 287.23 (4) (intro.) of the statutes is amended to read:

1 287.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under
2 the program shall submit an application to the department. To qualify for a full
3 grant, the responsible unit must submit the application no later than October 1 in
4 the year preceding the year for which the assistance is sought. For the purpose of
5 this subsection ~~and sub. (5p)~~, if an application is postmarked, it is considered to be
6 submitted on the date that it is postmarked. An application shall include all of the
7 following:

8 **SECTION 2560x.** 287.23 (5) (intro.) of the statutes is renumbered 287.23 (5) and
9 amended to read:

10 287.23 (5) GRANT AWARD. The department shall award a grant to each eligible
11 responsible unit that submits a complete grant application under sub. (4) for
12 expenses allowable under sub. (3) (b). ~~Except as provided under sub. (5m) or (5p),~~
13 ~~the amount of the grant shall be determined as follows:~~ For the grant for 2000, the
14 department shall award to a responsible unit the proportion of the total amount
15 available for grants under this section for 2000 that is equal to the proportion of the
16 total amount awarded under this section for 1999 that the responsible unit received
17 for 1999. For the grant for 2001, the department shall award to a responsible unit
18 the proportion of the total amount available for grants for 2001 that is equal to the
19 proportion of the total amount warded under this section for 1999 that the
20 responsible unit received for 1999.

21 **SECTION 2560y.** 287.23 (5) (a) to (c) of the statutes are repealed.

22 **SECTION 2562m.** 287.23 (5e) to (5s) of the statutes are repealed.”.

23 **943.** Page 1279, line 10: after that line insert:

24 “**SECTION 2565b.** 287.42 (4) of the statutes is created to read:

1 287.42 (4) Award a grant of \$50,000 in each fiscal year to a private, nonprofit,
2 industry-supported organization that is described in section 501 (c) (3) of the
3 Internal Revenue Code and that provides waste reduction and recycling assistance
4 through business-to-business peer exchange. An organization that is awarded a
5 grant must be instrumental in assisting and encouraging companies and institutions
6 to reduce their operating costs through improved production and solid waste
7 management practices and must be in existence on the effective date of this
8 subsection [revisor inserts date].

9 **SECTION 2565d.** 287.46 (4) of the statutes, as affected by 1997 Wisconsin Acts
10 27 and 1999 Wisconsin Act (this act), is repealed.

11 **SECTION 2565e.** 287.46 (4) (a) of the statutes is amended to read:

12 287.46 (4) (a) ~~From the appropriations~~ Subject to par. (b), from the
13 appropriation under s. 20.143 (1) (L) ~~and (tm)~~, the department of commerce shall
14 provide financial assistance awarded by the board under this subchapter. ~~Subject~~
15 ~~to par. (b), from the appropriation under s. 20.143 (1) (tm), the department of~~
16 ~~commerce shall~~ and pay contracts entered into by the board under s. 287.42 (3) and
17 (3m) and grants awarded by the board under s. 287.42 (4).

18 **SECTION 2565f.** 287.46 (4) (b) of the statutes is amended to read:

19 287.46 (4) (b) In any biennium, the department of commerce may not expend
20 more than 10% of the amount ~~appropriated~~ credited to the appropriation account
21 under s. 20.143 (1) (tm) for (L) in that biennium for contracts with and financial
22 assistance to responsible units and other local units of government.”.

23 **944.** Page 1279, line 10: after that line insert:

24 **SECTION 2564c.** 287.25 of the statutes is repealed.

1 **SECTION 2564e.** 287.27 (1) of the statutes is amended to read:

2 287.27 (1) DEFINITION. In this section, “materials recovery facility” means a
3 facility where the materials specified in sub. (4) (b) or s. 287.07 (3), 1997 stats., or s.
4 287.07 (4), 1997 stats., not mixed with other solid waste, are processed for reuse or
5 recycling by conversion into a consumer product or a product which is used as a raw
6 material in a commercial or industrial process. “Materials recovery facility” does not
7 include a facility operated by a pulp or paper mill which utilizes fiber or paper that
8 has been separated from waste for use as a raw material in a commercial product.

9 **SECTION 2564g.** 287.27 (2) of the statutes is amended to read:

10 287.27 (2) REPORTS BY MATERIALS RECOVERY FACILITIES. Annually, the owner or
11 operator of a materials recovery facility shall report to the department the amount
12 of each of the materials specified in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997
13 stats., and any other materials specified by the department under sub. (4) (b) that
14 the materials recovery facility receives and that were recovered from waste
15 generated in this state.

16 **SECTION 2567e.** 287.91 (2) of the statutes is amended to read:

17 287.91 (2) Notwithstanding sub. (1) ~~and s. 287.95 (3) (a)~~, the attorney general
18 may enforce s. 287.07 (3) ~~and (4) (1m) (c)~~ by seeking injunctive relief against any
19 person violating those provisions.

20 **SECTION 2567g.** 287.95 (2) (a) of the statutes is repealed.

21 **SECTION 2567h.** 287.95 (2) (b) of the statutes is renumbered 287.95 (2) and
22 amended to read:

23 287.95 (2) (b) ~~After December 31, 1994, any~~ Any person who violates s. 287.07
24 ~~(2) or~~ 287.08 may be required to forfeit \$50 for a first violation, may be required to

1 forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000
2 for a 3rd or subsequent violation.

3 **SECTION 2567j.** 287.95 (3) of the statutes is repealed.

4 **SECTION 2567L.** 287.95 (4) of the statutes is amended to read:

5 287.95 (4) The department may follow the procedures for the issuance of a
6 citation under ss. 23.50 to 23.99 to collect a forfeiture for the violations under subs.
7 (1), and (2) ~~(b)~~ and (3) ~~(b)~~.”.

8 **945.** Page 1282, line 21: after that line insert:

9 “**SECTION 2581r.** 292.13 (1) (intro.) of the statutes is amended to read:

10 292.13 (1) EXEMPTION FROM LIABILITY FOR GROUNDWATER CONTAMINATION. (intro.)
11 A person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and
12 (c) with respect to the existence of a hazardous substance in the groundwater on
13 property possessed or controlled by the person if all of the following apply:

14 **SECTION 2581w.** 292.13 (1m) (intro.) of the statutes is amended to read:

15 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A
16 person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and (c)
17 with respect to the existence of a hazardous substance in the soil on property
18 possessed or controlled by the person if all of the following apply:”.

19 **946.** Page 1300, line 1: delete lines 1 to 5.

20 **947.** Page 1302, line 6: delete lines 6 to 13.

21 **948.** Page 1303, line 20: after that line insert:

22 “**SECTION 2648c.** 292.70 of the statutes is created to read:

23 **292.70 Indemnification for disposal of polychlorinated biphenyls. (1)**

24 DEFINITION. In this section, “PCBs” has the meaning given in s. 299.45 (1) (a).

1 **(2)** INDEMNIFICATION AGREEMENTS CONCERNING DISPOSAL OF CONTAMINATED
2 SEDIMENTS. Subject to sub. (4), the department may enter into an agreement with a
3 municipality under which this state agrees to indemnify the municipality and its
4 agencies, officials, employes and agents against liability for damage to persons,
5 property or the environment resulting from the municipality's acceptance for
6 disposal of sediments that are from the Great Lakes basin and are contaminated
7 with PCBs, if the sediments are disposed of in a manner approved by the department.

8 **(3)** INDEMNIFICATION AGREEMENTS CONCERNING TREATMENT OF CONTAMINATED
9 LEACHATE. Subject to sub. (4), the department may enter into an agreement with a
10 municipality under which this state agrees to indemnify the municipality and its
11 agencies, officials, employes and agents against any liability for damage to persons,
12 property or the environment resulting from the municipality's conveyance or
13 treatment of leachate that is contaminated with PCBs and that is from a landfill that
14 accepts sediments contaminated with PCBs, if the leachate is treated in a manner
15 approved by the department.

16 **(4)** REQUIREMENTS. The department may enter into an agreement under sub.
17 (2) or (3) only if all of the following apply:

18 (a) The agreement is approved by the governor, the attorney general, the
19 secretary and the governing body of the municipality.

20 (b) The agreement specifies a method for determining whether the
21 municipality is liable for damage described in sub. (2) or (3).

22 (c) The agreement requires the municipality to notify the department and the
23 attorney general when a claim or lawsuit to which the agreement may apply is filed
24 against the political subdivision.

1 (d) The agreement authorizes the attorney general to intervene on behalf of the
2 municipality and this state in any lawsuit to which the agreement may apply.

3 (e) The agreement requires the operator of the solid waste disposal facility or
4 wastewater treatment facility to minimize risks related to PCBs.

5 (f) The agreement authorizes the department to require the operator of the
6 solid waste disposal facility or wastewater treatment facility to operate in a manner
7 specified by the department in order to minimize risks related to PCBs.

8 **(5) LIMITATION.** The department may include in an agreement under sub. (4)
9 a limitation on the amount that this state will pay to a municipality under the
10 agreement.

11 **(6) IMMUNITY.** This section and any agreement entered into under sub. (3) or
12 (4) may not be construed as consent to sue this state.

13 **(7) REVIEW AND PAYMENT.** If a claim is filed under an agreement under sub. (2)
14 or (3), the department shall review the claim to determine whether it is valid. A valid
15 claim shall be paid from the appropriation under s. 20.370 (2) (fq).”.

16 **949.** Page 1308, line 19: delete the material beginning with that line and
17 ending with page 1309, line 11.

18 **950.** Page 1313, line 16: after that line insert:

19 “**SECTION 2681m.** 299.51 (1) (a) of the statutes is amended to read:

20 299.51 (1) (a) “Clinic” has the meaning given in s. 287.07 (7) (e) 1. a. (8) (a) 1.

21 **SECTION 2681n.** 299.51 (1) (b) of the statutes is amended to read:

22 299.51 (1) (b) “Medical waste” means infectious waste, as defined in s. 287.07
23 (7) (e) 1. c. (8) (a) 3., and other waste that contains or may be mixed with infectious
24 waste.”.

1 **951.** Page 1314, line 14: after that line insert:

2 “**SECTION 2683d.** 301.01 (2) (b) of the statutes is amended to read:

3 301.01 **(2)** (b) Any resident of a secured correctional facility, ~~as defined in s.~~
4 ~~938.02 (15m), or of a secured child caring institution, as defined in s. 938.02 (15g) or~~
5 a secured group home.

6 **SECTION 2684d.** 301.01 (3k) of the statutes is created to read:

7 301.01 **(3k)** “Secured child caring institution” has the meaning given in s.
8 938.02 (15g).

9 **SECTION 2685d.** 301.01 (3m) of the statutes is created to read:

10 301.01 **(3m)** “Secured correctional facility” has the meaning given in s. 938.02
11 (15m).

12 **SECTION 2686d.** 301.01 (3p) of the statutes is created to read:

13 301.01 **(3p)** “Secured group home” has the meaning given in s. 938.02 (15p).

14 **SECTION 2687d.** 301.01 (4) of the statutes is amended to read:

15 301.01 **(4)** “State correctional institution” means a state prison under s. 302.01
16 or a secured correctional facility, ~~as defined in s. 938.02 (15m), other than the~~
17 Mendota Juvenile Treatment Center operated by the department.

18 **SECTION 2688d.** 301.027 of the statutes is amended to read:

19 **301.027 Treatment program at one or more juvenile secured**
20 **correctional institutions facilities.** The department shall maintain a
21 cottage-based intensive alcohol and other drug abuse program at one or more
22 juvenile secured correctional institutions facilities.”.

23 **952.** Page 1315, line 8: after that line insert:

24 “**SECTION 2690d.** 301.03 (10) (d) of the statutes is amended to read:

1 301.03 (10) (d) Administer the office of juvenile offender review in the division
2 of juvenile corrections in the department. The office shall be responsible for decisions
3 regarding case planning, the release of juvenile offenders from juvenile secured
4 correctional institutions facilities, secured child caring institutions or secured group
5 homes to aftercare placements and the transfer of juveniles to the Racine youthful
6 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

7 **SECTION 2691d.** 301.03 (10) (e) of the statutes is amended to read:

8 301.03 (10) (e) Provide educational programs in all secured correctional
9 facilities, ~~as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment~~
10 ~~Center operated by the department.~~

11 **SECTION 2692d.** 301.03 (10) (f) of the statutes is amended to read:

12 301.03 (10) (f) Provide health services and psychiatric services for residents of
13 all secured correctional facilities, ~~as defined in s. 938.02 (15m), other than the~~
14 ~~Mendota Juvenile Treatment Center operated by the department.~~”.

15 **953.** Page 1316, line 18: after that line insert:

16 “**SECTION 2693d.** 301.08 (1) (b) 3. of the statutes is amended to read:

17 301.08 (1) (b) 3. Contract with public, private or voluntary agencies for the
18 supervision, maintenance and operation of secured correctional facilities, ~~as defined~~
19 ~~in s. 938.02 (15m),~~ child caring institutions, as defined in s. 938.02 (2c), and secured
20 child caring institutions, ~~as defined in s. 938.02 (15g),~~ for the placement of juveniles
21 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
22 or 938.34 (4d), (4h) or (4m). The department may designate a secured correctional
23 facility, child caring institution or a secured child caring institution contracted for
24 under this subdivision as a Type 2 secured correctional facility, as defined in s. 938.02

1 (20), and may designate a child caring institution or secured child caring institution
2 contracted for under this subdivision as a Type 2 child caring institution, as defined
3 in s. 938.02 (19r).

4 **SECTION 2694d.** 301.08 (1) (b) 4. of the statutes is created to read:

5 301.08 (1) (b) 4. Contract with not more than 5 counties or with not more than
6 5 consortia of not more than 5 counties for the operation of not more than 5 secured
7 group homes for the placement of juveniles who have been convicted under s. 938.183
8 or adjudicated delinquent under s. 983.183 or 938.34 (4m). The contract shall specify
9 that the county or counties operating a secured group home must comply with all
10 rules of the department that are applicable to the treatment of juveniles who are
11 placed in a secured correctional facility.”.

12 **954.** Page 1318, line 3: delete that line and substitute “conversion or has
13 approved the construction or conversion of the building, structure or facility.”.

14 **955.** Page 1318, line 4: delete lines 4 and 5.

15 **956.** Page 1318, line 9: after that line insert:

16 “**SECTION 2699d.** 301.205 of the statutes is amended to read:

17 **301.205 Reimbursement to visiting families.** The department may
18 reimburse families visiting girls at a secured correctional facility, ~~as defined in s.~~
19 ~~938.02 (15m).~~ If the department decides to provide the reimbursement, ~~it~~ the
20 department shall establish criteria for the level of reimbursement, which shall
21 include family income and size and other relevant factors.”.

22 **957.** Page 1318, line 20: after that line insert:

23 “**SECTION 2701d.** 301.26 (4) (cm) 1. of the statutes is amended to read:

1 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
2 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
3 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
4 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~
5 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective
6 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
7 care of any juvenile 14 years of age or over who has been placed in a juvenile secured
8 correctional facility based on a delinquent act that is a violation of s. 939.31, 939.32
9 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30 (2), 948.35 (1) (b)
11 or 948.36 and for the care of any juvenile 10 years of age or over who has been placed
12 in a juvenile secured ~~correctional institution or a facility~~ or secured child caring
13 institution for attempting or committing a violation of s. 940.01 or for committing a
14 violation of s. 940.02 or 940.05.

15 **SECTION 2702d.** 301.26 (4) (cm) 2. of the statutes is amended to read:

16 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall
17 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
18 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
19 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~
20 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective
21 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
22 care of any juvenile 14 years of age or over and under 18 years of age who has been
23 placed in a juvenile secured correctional facility under s. 48.366 based on a
24 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).”.

1 **958.** Page 1319, line 25: after that line insert:

2 “**SECTION 2706d.** 301.26 (4) (dt) of the statutes is amended to read:

3 301.26 (4) (dt) For Except as provided in pars. (e) to (g), for serious juvenile
4 offender services, all uniform fee collections under s. 301.03 (18) shall be credited to
5 the appropriation account under s. 20.410 (3) (hm).”.

6 **959.** Page 1321, line 9: after that line insert:

7 “**SECTION 2709L.** 301.26 (7) (a) 3. of the statutes, as created by 1999 Wisconsin
8 Act (this act), is amended to read:

9 301.26 (7) (a) 3. Each county’s proportion of the number of juveniles statewide
10 who are placed in a ~~juvenile correctional institution or~~ secured correctional facility,
11 a secured child caring institution, ~~as defined in s. 938.02 (15g), or a secured group~~
12 home during the most recent 3–year period for which that information is available.”.

13 **960.** Page 1322, line 12: after that line insert:

14 “**SECTION 2710d.** 301.263 (3) of the statutes is amended to read:

15 301.263 (3) The department shall distribute 33% of the amounts distributed
16 under sub. (1) based on each county’s proportion of the violent Part I juvenile arrests
17 reported statewide under the uniform crime reporting system of the office of justice
18 assistance in the department of administration, during the most recent 2–year
19 period for which that information is available. The department shall distribute 33%
20 of the amounts distributed under sub. (1) based on each county’s proportion of the
21 number of juveniles statewide who are placed in a juvenile secured correctional
22 ~~institution or facility,~~ a secured child caring institution, ~~as defined in s. 938.02 (15g),~~
23 or a secured group home during the most recent 2–year period for which that
24 information is available. The department shall distribute 34% of the amounts

1 distributed under sub. (1) based on each county's proportion of the total Part I
2 juvenile arrests reported statewide under the uniform crime reporting system of the
3 office of justice assistance, during the most recent 2-year period for which that
4 information is available.”.

5 **961.** Page 1323, line 13: after that line insert:

6 “**SECTION 2712d.** 301.36 (1) of the statutes is amended to read:

7 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
8 supervise all of the state ~~correctional institutions~~ prisons under s. 302.01, all secured
9 correctional facilities, all secured child caring institutions, all secured group homes
10 and all secure detention facilities and familiarize itself with all of the circumstances
11 affecting their management and usefulness.

12 **SECTION 2713d.** 301.37 (1) of the statutes is amended to read:

13 301.37 (1) The department shall fix reasonable standards and regulations for
14 the design, construction, repair and maintenance of all houses of correction,
15 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,
16 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
17 lockup facilities as defined in s. 302.30, work camps under s. 303.10, Huber facilities
18 under s. 303.09 and, after consulting with the department of health and family
19 services, all secured group homes and secure detention facilities, with respect to
20 their adequacy and fitness for the needs which they are to serve.

21 **SECTION 2714d.** 301.45 (1) (b) of the statutes is amended to read:

22 301.45 (1) (b) Is in prison, a secured correctional facility, ~~as defined in s. 938.02~~
23 ~~(15m), or a secured child caring institution, as defined in s. 938.02 (15g), or a secured~~
24 group home or is on probation, extended supervision, parole, supervision or aftercare

1 supervision on or after December 25, 1993, for any violation, or for the solicitation,
2 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),
3 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or
4 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
5 victim's parent.

6 **SECTION 2715d.** 301.45 (1) (bm) of the statutes is amended to read:

7 301.45 (1) (bm) Is in prison, a secured correctional facility, ~~as defined in s.~~
8 ~~938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or~~
9 a secured group home or is on probation, extended supervision, parole, supervision
10 or aftercare supervision on or after December 25, 1993, for a violation, or for the
11 solicitation, conspiracy or attempt to commit a violation, of a law of this state that
12 is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,
13 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a
14 violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the
15 victim's parent.

16 **SECTION 2716d.** 301.45 (3) (a) 2. of the statutes is amended to read:

17 301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
18 correctional facility ~~or~~, a secured child caring institution or a secured group home,
19 he or she is subject to this subsection upon being released on parole, extended
20 supervision or aftercare supervision.”.

21 **962.** Page 1323, line 18: after that line insert:

22 “**SECTION 2717m.** 301.45 (5) (a) 2. of the statutes is amended to read:

1 301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured
2 correctional facility ~~or~~, a secured child caring institution or a secured group home,
3 15 years after discharge from parole or aftercare supervision.”.

4 **963.** Page 1324, line 14: after that line insert:

5 “**SECTION 2718ck.** 302.075 of the statutes is created to read:

6 **302.075 Drug detection dog units. (1)** The department shall establish and
7 maintain 3 drug detection dog units. Each unit shall consist of one dog that is trained
8 to use its sense of smell to detect the presence of controlled substances and one
9 correctional officer trained to handle the dog. Each drug detection dog unit shall be
10 based at a different state correctional institution but may be used to detect controlled
11 substances at any state correctional institution. A drug detection dog unit
12 correctional officer shall report directly to the secretary.

13 **(2)** A drug detection dog unit may investigate a state correctional institution
14 for the presence of controlled substances at the request of the secretary, at the
15 request of the warden, superintendent or other officer or employe of the institution
16 or, if he or she receives credible information that controlled substances may be
17 present in the institution, on the initiative of the unit correctional officer. The
18 secretary shall establish the amount of advance notice that a drug detection dog unit
19 must provide to the appropriate warden or superintendent that the unit will be at
20 a state correctional institution.

21 **(3)** Notwithstanding s. 302.04, the warden, superintendent and other officers
22 and employes of a state correctional institution shall at all times give a drug
23 detection dog unit free access to and unrestrained ability to inspect all parts of the

1 buildings and grounds of the institution, including visitation areas and areas to
2 which prisoners may not have access.”.

3 **964.** Page 1340, line 20: after that line insert:

4 “**SECTION 2734hdm.** 342.07 (1) of the statutes is renumbered 342.07 (1) (intro.)
5 and amended to read:

6 342.07 (1) Application for registration of and a new certificate of title for a
7 repaired salvage vehicle must be accompanied by the all of the following:

8 (a) The required fees, a.

9 (b) A properly assigned salvage certificate of title or a properly assigned
10 certificate of title by a dealer under s. 342.16 (1) (a) for the vehicle and any.

11 (c) Any other transfer document required by law, and by the.

12 (d) The certificate of inspection under sub. (4).

13 **SECTION 2734hdp.** 342.07 (2) (a) of the statutes is amended to read:

14 342.07 (2) (a) To determine whether the vehicle is the same vehicle for which
15 the salvage title ~~is~~ submitted under sub. (1) was issued;”.

16 **965.** Page 1341, line 9: after that line insert:

17 “**SECTION 2734hgd.** 342.15 (2) of the statutes is amended to read:

18 342.15 (2) Except as provided in s. 342.16 ~~with respect to a vehicle which is not~~
19 ~~a salvage vehicle~~, the transferee shall, promptly after delivery to him or her of the
20 vehicle, execute the application for a new certificate of title in the space provided
21 ~~therefor~~ on the certificate or as the department prescribes, and ~~cause~~ deliver or mail
22 the certificate and application ~~to be mailed or delivered~~ to the department. A salvage
23 vehicle purchaser shall comply with s. 342.065 (1) ~~(b)~~ (a).

24 **SECTION 2734hgf.** 342.15 (3) of the statutes is amended to read:

1 342.15 (3) Except as provided in s. 342.16 ~~with respect to a vehicle which is not~~
2 ~~a salvage vehicle~~ and as between the parties, a transfer by an owner is not effective
3 until the provisions of this section have been complied with. An owner who has
4 delivered possession of the vehicle to the transferee and has complied with the
5 provisions of this section ~~requiring action by him or her~~ is not liable as owner for any
6 damages thereafter resulting from operation of the vehicle.

7 **SECTION 2734hgh.** 342.15 (6) of the statutes is amended to read:

8 342.15 (6) (a) Except as provided in s. 342.16 ~~with respect to a vehicle which~~
9 ~~is not a salvage vehicle~~, any transferee of a vehicle who fails to make application for
10 a new certificate of title immediately upon transfer to him or her of a vehicle may be
11 required to forfeit not more than \$200. A certificate is considered to have been
12 applied for when the application accompanied by the required fee has been delivered
13 to the department or deposited in the mail properly addressed with postage prepaid.

14 (b) Except as provided in s. 342.16 ~~with respect to a vehicle which is not a~~
15 ~~salvage vehicle~~, any transferee of a vehicle who with intent to defraud fails to make
16 application for a new certificate of title immediately upon transfer to him or her of
17 a vehicle may be fined not more than \$1,000 or imprisoned for not more than 30 days
18 or both. A certificate is considered to have been applied for when the application
19 accompanied by the required fee has been delivered to the department or deposited
20 in the mail properly addressed with postage prepaid.

21 **SECTION 2734hgj.** 342.16 (1) (a) of the statutes is amended to read:

22 342.16 (1) (a) Except as provided in par. (c), if a dealer acquires a new or used
23 vehicle that is not a salvage vehicle and holds it for resale, or acquires a salvage
24 vehicle that is currently titled as a salvage vehicle and holds it for resale or accepts
25 a vehicle for sale on consignment, the dealer may not submit to the department the

1 certificate of title or application for certificate of title naming the dealer as owner of
2 the vehicle. Upon transferring the vehicle to another person, the dealer shall
3 immediately give the transferee on a form prescribed by the department a receipt for
4 all title, registration, security interest and sales tax moneys paid to the dealer for
5 transmittal to the department when required. The dealer shall promptly execute the
6 assignment and warranty of title, showing the name and address of the transferee
7 and of any secured party holding a security interest created or reserved at the time
8 of the resale or sale on consignment, in the spaces provided therefor on the certificate
9 or as the department prescribes. Within 7 business days following the sale or
10 transfer, the dealer shall mail or deliver the certificate or application for certificate
11 to the department with the transferee's application for a new certificate. A
12 nonresident who purchases a motor vehicle from a dealer in this state may not,
13 unless otherwise authorized by rule of the department, apply for a certificate of title
14 issued for the vehicle in this state unless the dealer determines that a title is
15 necessary to protect the interests of a secured party. The dealer is responsible for
16 determining whether a title and perfection of security interest is required. The
17 dealer is liable for any damages incurred by the department or any secured party for
18 the dealer's failure to perfect a security interest which the dealer had knowledge of
19 at the time of sale.

20 **SECTION 2734hgm.** 342.16 (1) (c) of the statutes is amended to read:

21 342.16 (1) (c) Except when all available spaces for a dealer's or wholesaler's
22 reassignment on a certificate of title have been completed or as otherwise authorized
23 by rules of the department, a dealer or wholesaler who acquires a new or used vehicle
24 that is not a salvage vehicle and holds it for resale, or acquires a salvage vehicle that
25 is currently titled as a salvage vehicle and holds it for resale or accepts a vehicle for

1 sale on consignment may not apply for a certificate of title naming the dealer or
2 wholesaler as owner of the vehicle. The rules may regulate the frequency of
3 application by a dealer or wholesaler for transfer of registration or credits for
4 registration from a previously registered vehicle to another vehicle that the dealer
5 or wholesaler intends to register in his or her own name.

6 **SECTION 2734hgo.** 342.16 (1) (d) of the statutes is amended to read:

7 342.16 (1) (d) Unless exempted by rule of the department, a dealer or
8 wholesaler who acquires a new or used vehicle that is not a salvage vehicle and holds
9 it for resale or acquires a salvage vehicle currently titled as a salvage vehicle and
10 holds it for resale shall make application for a certificate of title naming the dealer
11 or wholesaler as owner of the vehicle when all of the available spaces for a dealer's
12 or wholesaler's reassignment on the certificate of title for such vehicle have been
13 completed.”.

14 **966.** Page 1344, line 2: after that line insert:

15 “**SECTION 2747s.** 343.43 (1) (f) of the statutes is amended to read:

16 343.43 (1) (f) Reproduce by any means whatever a copy of a license, unless the
17 reproduction is done pursuant to rules promulgated by the department and for a
18 valid business or occupational purpose; or”.

19 **967.** Page 1349, line 6: after that line insert:

20 “**SECTION 2761r.** 348.15 (3) (bg) of the statutes is amended to read:

21 348.15 (3) (bg) In the case of a vehicle or combination of vehicles transporting
22 exclusively milk from the point of production to the primary market and the return
23 of dairy supplies and dairy products from such primary market to the farm, the gross
24 weight imposed on the highway by the wheels of any one axle may not exceed 21,000

1 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more
2 consecutive axles ~~more than~~ 9 feet or more apart, a weight of 2,000 pounds more than
3 is shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply
4 to the national system of interstate and defense highways, except for that portion of
5 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
6 and the I 90/94 interchange near Portage upon their federal designation as I 39.”.

7 **968.** Page 1359, line 21: after that line insert:

8 “**SECTION 2818r.** 409.104 (12m) of the statutes is created to read:

9 409.104 (**12m**) To a transfer of an interest under a rent-to-own agreement
10 under ch. 435; or”.

11 **969.** Page 1362, line 23: after that line insert:

12 “**SECTION 2822no.** 421.202 (7m) of the statutes is created to read:

13 421.202 (**7m**) A rent-to-own agreement under ch. 435;

14 **SECTION 2822nt.** 421.301 (9) of the statutes is amended to read:

15 421.301 (**9**) “Consumer credit sale” means a sale of goods, services or an
16 interest in land to a customer on credit where the debt is payable in instalments or
17 a finance charge is imposed and includes any agreement in the form of a bailment
18 of goods or lease of goods or real property if the bailee or lessee pays or agrees to pay
19 as compensation for use a sum substantially equivalent to or in excess of the
20 aggregate value of the goods or real property involved and it is agreed that the bailee
21 or lessee will become, or for no other or a nominal consideration has the option to
22 become, the owner of the goods or real property upon full compliance with the terms
23 of the agreement. “Consumer credit sale” does not include a rent-to-own agreement
24 under ch. 435.

1 **SECTION 2822nu.** 421.301 (10) of the statutes is amended to read:

2 421.301 **(10)** “Consumer credit transaction” means a consumer transaction
3 between a merchant and a customer in which real or personal property, services or
4 money is acquired on credit and the customer’s obligation is payable in instalments
5 or for which credit a finance charge is or may be imposed, whether such transaction
6 is pursuant to an open–end credit plan or is a transaction involving other than
7 open–end credit. The term includes consumer credit sales, consumer loans,
8 consumer leases and transactions pursuant to open–end credit plans. “Consumer
9 credit transaction” does not include a rent–to–own agreement under ch. 435.

10 **SECTION 2822nv.** 421.301 (11) of the statutes is amended to read:

11 421.301 **(11)** “Consumer lease” means a lease of goods which a merchant makes
12 to a customer for a term exceeding 4 months. “Consumer lease” does not include a
13 rent–to–own agreement under ch. 435.”.

14 **970.** Page 1363, line 15: after that line insert:

15 “**SECTION 2822y.** 423.201 of the statutes is amended to read:

16 **423.201 Definition.** “Consumer approval transaction” means a consumer
17 transaction other than a sale or lease or listing for sale of real property or a sale of
18 goods at auction 1) which is initiated by face–to–face solicitation away from a regular
19 place of business of the merchant or by mail or telephone solicitation directed to the
20 particular customer and 2) which is consummated or in which the customer’s offer
21 to contract or other writing evidencing the transaction is received by the merchant
22 away from a regular place of business of the merchant and involves the extension of
23 credit or is a cash transaction in which the amount the customer pays exceeds \$25.
24 “Consumer approval transaction” shall in no event include a catalog sale which is not

1 accompanied by any other solicitation or a consumer loan conducted and
2 consummated entirely by mail. “Consumer approval transaction” does not include
3 a rent-to-own agreement under ch. 435.

4 **SECTION 2822z.** Chapter 435 of the statutes is created to read:

5 **CHAPTER 435**

6 **RENT-TO-OWN AGREEMENTS**

7 **435.102 Scope. (1) INAPPLICABILITY OF OTHER LAWS.** A rent-to-own agreement
8 under this chapter is not governed by the laws relating to a security interest, as
9 defined in s. 401.201 (37), or a lease, as defined in s. 411.103 (1) (j).

10 **(2) EXCLUSIONS.** This chapter does not apply to any of the following:

11 (a) Any agreement between a rental-purchase company and any person other
12 than a lessee.

13 (b) A lease or bailment of personal property if the property is intended to be
14 used primarily for business, commercial or agricultural purposes.

15 (c) A lease or bailment of personal property which is incidental to the lease of
16 real property.

17 (d) A lease of a motor vehicle, as defined in s. 218.01 (1) (m).

18 (e) A credit sale, as defined in 15 USC 1602 (g) and in the regulations
19 promulgated under that section.

20 (f) A consumer lease, as defined in 15 USC 1667 (1) and in the regulations
21 promulgated under that section.

22 **435.201 Definitions.** In this chapter:

23 **(1)** “Department” means the department of financial institutions.

24 **(2)** “Lessee” means an individual who rents personal property under a
25 rent-to-own agreement.

1 **(3)** “Rental property” means property rented under a rent-to-own agreement.

2 **(4)** “Rental-purchase company” means a person who regularly provides the use
3 of property through rent-to-own agreements and to whom rental payments are
4 initially payable under the terms of a particular rent-to-own agreement.

5 **(5)** “Rent-to-own agreement” means an agreement between a
6 rental-purchase company and a lessee for the use of personal property if all of the
7 following conditions are met:

8 (a) The personal property is to be used primarily for personal, family or
9 household purposes.

10 (b) The agreement has an initial term of 4 months or less and is automatically
11 renewable with each payment after the initial term.

12 (c) The agreement does not obligate or require the lessee to renew the
13 agreement beyond the initial term.

14 (d) The agreement permits, but does not obligate, the lessee to acquire
15 ownership of the personal property.

16 **435.301 Registration. (1) REQUIREMENT; APPLICATION.** Every person engaging
17 in business as a rental-purchase company in this state shall file a registration
18 statement with the department within 30 days after the date on which the person
19 commences business in this state and no later than February 28 of each year
20 thereafter. Except during the first 30 days after the date on which the person
21 commences business in this state, no person may engage in business as a
22 rental-purchase company in this state without a valid unsuspended registration
23 filed under this subsection. A registration statement under this section shall include
24 all of the following information:

25 (a) The name of the rental-purchase company.

1 (b) The name under which the rental–purchase company transacts business.

2 (c) The address of the rental–purchase company’s principal office.

3 (d) The addresses of all stores or other retail locations in this state at which the
4 rental–purchase company offers rent–to–own agreements to potential lessees.

5 (e) The address of the rental–purchase company’s designated agent upon whom
6 service of process may be made in this state.

7 **(2) RULES.** The department shall promulgate rules and prescribe forms for the
8 efficient administration of this section.

9 **435.302 Registration fees. (1) WHEN DUE.** Any rental–purchase company
10 required to register under s. 435.301 shall pay a registration fee to the department
11 when the rental–purchase company files the registration statement required under
12 s. 435.301.

13 **(2) AMOUNT.** The amount of the registration fee shall be \$25 per store or other
14 retail location in this state at which the rental–purchase company offers
15 rent–to–own agreements to potential lessees. However, the registration fee shall not
16 be less than \$50 nor more than \$750.

17 **435.303 Examination of books and records. (1) PURPOSE OF EXAMINATION.**
18 The department may examine the books and records of any rental–purchase
19 company for the purpose of determining compliance with this chapter.

20 **(2) AVAILABILITY OF BOOKS AND RECORDS.** A rental–purchase company shall make
21 its books and records reasonably available for inspection by the department. If the
22 rental–purchase company’s books and records are located outside of this state, the
23 rental–purchase company shall, at the rental–purchase company’s option, either
24 make the books and records available to the department at a convenient location in

1 this state or pay the reasonable and necessary expenses for the department to
2 examine the books and records at the location where they are maintained.

3 (3) METHOD OF BOOKKEEPING. A rental–purchase company shall use generally
4 accepted accounting principles and practices in keeping its books and records so that
5 the department may determine if the rental–purchase company is in compliance
6 with this chapter.

7 (4) DESTRUCTION OF RECORDS; WHEN AUTHORIZED. A rental–purchase company
8 shall keep records relating to each rent–to–own agreement entered into by the
9 rental–purchase company and the payments made under each rent–to–own
10 agreement for at least 2 years after the date on which the rent–to–own agreement
11 is terminated.

12 **435.304 Suspension or revocation of registration.** (1) GROUNDS. The
13 department may issue an order suspending or revoking a rental–purchase
14 company’s registration if any of the following conditions is met:

15 (a) The rental–purchase company has violated any provision of this chapter,
16 the violation is not isolated or inadvertent, and the department determines that the
17 violation justifies the suspension or revocation of the registration.

18 (b) The department becomes aware that any fact or condition exists which, if
19 it had existed at the time that the rental–purchase company first filed the
20 registration statement, would have warranted the department’s refusal to honor the
21 registration.

22 (c) The rental–purchase company has failed to pay the registration fee under
23 s. 435.302.

24 (2) PROCEDURE. The following procedure applies to every order of the
25 department that suspends or revokes a registration under this chapter:

1 (a) The department shall provide a written notice to the rental–purchase
2 company registered under s. 435.301 of the department’s intent to issue an order
3 suspending or revoking the rental–purchase company’s registration. The notice
4 shall specify the grounds for and the effective date of the proposed order.

5 (b) The rental–purchase company shall file with the department a written
6 response to the allegations contained in the notice within 20 days after receiving the
7 notice. The rental–purchase company’s written response may contain a request for
8 a hearing pursuant to s. 227.42. If the written response does not contain a request
9 for a hearing pursuant to s. 227.42, the right to a hearing is waived.

10 (c) If a written response containing a request for a hearing pursuant to s. 227.42
11 is received by the department within the time provided under par. (b) and if, in the
12 opinion of the department, the matter satisfies one of the conditions under s. 227.42
13 (1) (a) to (d), the matter shall be scheduled for a contested hearing to commence
14 within 60 days after the date on which the department receives the written response.

15 (d) If the rental–purchase company fails to file a written response within the
16 time provided under par. (b) or if the rental–purchase company files a timely written
17 response but fails to request a hearing pursuant to s. 227.42, the department may
18 issue an order suspending or revoking the rental–purchase company’s registration
19 under sub. (1). If the rental–purchase company files a timely written response
20 containing a request for a hearing pursuant to s. 227.42, any order of the department
21 suspending or revoking the rental–purchase company’s registration shall be stayed
22 pending completion of proceedings under ch. 227.

23 **435.401 General requirements of disclosure. (1)** FORM, LOCATION, SIZE AND
24 TIME OF DISCLOSURE. All information required under s. 435.402 shall satisfy all of the
25 following:

1 (a) The information shall be clearly and conspicuously disclosed.

2 (b) The information shall be disclosed in writing.

3 (c) The information shall be disclosed on the face of the rent-to-own agreement
4 above the line for the lessee's signature.

5 (d) The information shall be disclosed in not less than 8-point standard type.

6 (e) The information shall be disclosed at or before the time that the lessee
7 becomes legally obligated under the rent-to-own agreement.

8 **(2) ACCURACY OF DISCLOSURE.** All information required under s. 435.402 must
9 be accurate as of the time that it is disclosed. If any information subsequently
10 becomes inaccurate as a result of any act, occurrence or agreement by the lessee, the
11 resulting inaccuracy is not a violation of this chapter.

12 **(3) COPY OF RENT-TO-OWN AGREEMENT.** The rental-purchase company shall
13 provide the lessee with a copy of the completed rent-to-own agreement signed by the
14 lessee. If more than one lessee is legally obligated under the same rent-to-own
15 agreement, delivery of a copy of the completed rent-to-own agreement to one of the
16 lessees shall satisfy this subsection.

17 **435.402 Required provisions of rent-to-own agreement.** A
18 rental-purchase company shall include all of the following information, to the extent
19 applicable, in every rent-to-own agreement:

20 **(1) DESCRIPTION.** A brief description of the rental property, sufficient to identify
21 the rental property to the lessee and the rental-purchase company, including an
22 identification number, and a statement indicating whether the rental property is
23 new or used. A statement that incorrectly indicates that new rental property is used
24 is not a violation of this chapter.

1 **(2) CASH PRICE.** The price at which the rental–purchase company would have
2 sold the rental property to the lessee for cash on the date on which the rent–to–own
3 agreement is executed.

4 **(3) RENTAL PAYMENT.** The periodic rental payment for the rental property.

5 **(4) UP–FRONT PAYMENT.** The payment required of the lessee at the time that the
6 agreement is executed or the rental property is delivered, whichever is later,
7 including the initial rental payment, any application or processing charge, any
8 delivery fee, any charge for a liability damage waiver or for other optional services
9 agreed to by the lessee, and the applicable tax.

10 **(5) PAYMENT TO ACQUIRE OWNERSHIP.** The total number, total dollar amount and
11 due date of all rental payments necessary to acquire ownership of the rental property.

12 **(6) OTHER CHARGES.** A statement that the total dollar amount of all rental
13 payments necessary to acquire ownership of the rental property does not include
14 other charges that a lessee may incur, such as application, processing or delivery
15 charges, and late payment, reinstatement, default and pickup fees. These charges
16 shall be separately identified in the rental–purchase agreement and the amount of
17 each charge and fee disclosed.

18 **(7) RENTAL, NOT PURCHASE.** A statement that the lessee will not own the rental
19 property until the lessee has made the total amount of payments necessary to acquire
20 ownership or has exercised the lessee’s early–purchase option.

21 **(8) SUMMARY OF EARLY–PURCHASE OPTION.** A statement summarizing the terms
22 of the lessee’s option to acquire ownership of the rental property, including a
23 statement indicating that the lessee has the right to exercise an early purchase
24 option and indicating the price, or the formula or method for determining the price,
25 at which the rental property may be purchased under the early–purchase option.

1 **(9) RESPONSIBILITY FOR THEFT OR DAMAGE.** A statement that, unless otherwise
2 agreed, the lessee is responsible for the fair market value of the rental property,
3 determined according to the early–purchase option formula or method, if, and as of
4 the time, the rental property is stolen, damaged or destroyed while in the possession
5 of or subject to the control of the lessee.

6 **(10) SERVICE AND WARRANTY.** A statement identifying the party responsible for
7 maintaining or servicing the rental property during the term of the rent–to–own
8 agreement, together with a description of that responsibility, and a statement that
9 if any part of a manufacturer’s express warranty covers the rental property when the
10 lessee acquires ownership of the rental property the manufacturer’s express
11 warranty will be transferred to the lessee, if the transfer is allowed by the terms of
12 the manufacturer’s express warranty.

13 **(11) TERMINATION AT OPTION OF LESSEE.** A statement that the lessee may
14 terminate the agreement at any time without penalty by voluntarily surrendering
15 or returning the rental property in good repair along with any past–due rental
16 payments, fees and charges.

17 **(12) RIGHT TO REINSTATE.** A brief explanation of the lessee’s right to reinstate
18 a rent–to–own agreement under s. 435.405.

19 **(13) GENERAL NOTICE.** A notice reading substantially as follows: “You are
20 renting this property. You will not own the property until you make all of the
21 regularly scheduled rental payments necessary to acquire ownership or until you
22 exercise your early–purchase option. If you do not make your rental payments as
23 scheduled or exercise your early–purchase option, the lessor may repossess the
24 property.”

1 **(14)** INFORMATION ABOUT RENTAL-PURCHASE COMPANY AND LESSEE. The names of
2 the rental-purchase company and the lessee, the rental-purchase company's
3 business address and telephone number, the lessee's address and the date on which
4 the rent-to-own agreement is executed.

5 **435.403 Prohibited provisions of rent-to-own agreement.** A
6 rent-to-own agreement may not contain any of the following:

7 **(1)** CONFESSION. A confession of judgment.

8 **(2)** SECURITY. A provision granting the rental-purchase company a security
9 interest in any property except rental property delivered by the rental-purchase
10 company pursuant to the rent-to-own agreement.

11 **(3)** REPOSSESSION. A provision authorizing a rental-purchase company or an
12 agent of the rental-purchase company to enter the lessee's premises or to commit a
13 breach of the peace in the repossession of rental property delivered by the
14 rental-purchase company pursuant to the rent-to-own agreement.

15 **(4)** WAIVER. A waiver of a defense or counterclaim, or a waiver of any right to
16 assert any claim that the lessee may have against the rental-purchase company or
17 an agent of the rental-purchase company or a waiver of any provision of this chapter.

18 **(5)** OVERPAYMENT. A provision requiring rental payments totaling more than
19 the total dollar amount of all rental payments necessary to acquire ownership, as
20 disclosed in the rental-purchase agreement.

21 **(6)** INSURANCE. A provision requiring the purchase of insurance from the
22 rental-purchase company to cover the rental property.

23 **435.404 Late payment, grace period and late fees. (1) LATE FEE;**
24 **GENERALLY.** If a lessee fails to make any payment when due under a rent-to-own
25 agreement or if, at the end of any rental term, the lessee fails to return the rental

1 property or to renew the rent-to-own agreement for an additional term, the
2 rental-purchase company may require the lessee to pay a late fee. However, except
3 as provided under sub. (4), this subsection does not apply if the lessee's failure to
4 return rental property or failure to renew the rent-to-own agreement at the end of
5 the rental term is due to the lessee's exercise of an early-purchase option under the
6 rent-to-own agreement or due to the lessee's making all payments necessary to
7 acquire ownership of the rental property.

8 **(2) GRACE PERIODS.** The following grace periods shall apply to rental payments
9 made with respect to a rental-purchase agreement:

10 (a) For an agreement that is renewed on a weekly basis, no late fee may be
11 assessed for a payment that is made within 2 days after the date on which the
12 scheduled payment is due.

13 (b) For an agreement that is renewed for a term that is longer than one week,
14 no late fee may be assessed for a payment that is made within 5 days after the date
15 on which the scheduled payment is due.

16 **(3) COLLECTION, RECORDING AND LIMITATION OF LATE FEES.** Late fees are subject
17 to all of the following limitations:

18 (a) A late fee may not exceed \$5 for each past-due rental payment.

19 (b) A late fee may be collected only once on each rental payment due, regardless
20 of how long the payment remains past due.

21 (c) Payments received shall be applied first to the payment of any rent that is
22 due and then to late fees and any other charges.

23 (d) A late fee may be collected at the time that the late fee accrues or at any time
24 afterward.

1 **(4)** EFFECT OF OUTSTANDING LATE FEE ON TRANSFER OF OWNERSHIP. A
2 rental–purchase company may require payment of any outstanding late fees before
3 transferring ownership of rental property to a lessee.

4 **435.405 Reinstatement of terminated rent-to-own agreement. (1)**
5 REINSTATEMENT, GENERALLY. A lessee shall have the right to reinstate a terminated
6 rent-to-own agreement without losing any rights or options previously acquired if
7 all of the following conditions apply:

8 (a) The lessee returned or surrendered the rental property within 5 days after
9 the termination of the agreement.

10 (b) Not more than 21 days have passed after the date that the rental property
11 was returned to the rental–purchase company or, if the lessee has paid two–thirds
12 or more of the total of rental payments necessary to acquire ownership of the rental
13 property, not more than 45 days have passed since the date that the rental property
14 was returned to the rental–purchase company.

15 **(2)** AUTHORIZED CONDITIONS ON REINSTATEMENT. As a condition of reinstatement
16 under this section, the rental–purchase company may require the payment of all
17 past–due rental charges, any applicable late fees, a reinstatement fee not to exceed
18 \$5, and the rental payment for an additional term.

19 **(3)** EFFECT OF REPOSSESSION ON REINSTATEMENT. Nothing in this section shall
20 prevent a rental–purchase company from attempting to repossess rental property
21 upon termination of a rent-to-own agreement, but such efforts shall not affect the
22 lessee’s right to reinstate as long as the rental property is voluntarily returned or
23 surrendered within 5 days after the termination of the rent-to-own agreement.

24 **(4)** PROPERTY AVAILABLE UPON REINSTATEMENT. Upon reinstatement, the
25 rental–purchase company shall provide the lessee with the same rental property, if

1 the property is available and is in the same condition as when it was returned to the
2 rental–purchase company, or with substitute property of comparable quality and
3 condition.

4 **435.406 Liability waiver.** A rental–purchase company may offer a liability
5 waiver to the lessee. The terms of the waiver must be provided to the lessee in writing
6 and the face of the writing must clearly disclose that the lessee is not required to
7 purchase the waiver. The fee for the waiver may not exceed 10% of the periodic rental
8 payment.

9 **435.407 Early–purchase option.** A rental–purchase company shall offer an
10 early–purchase option to every lessee who enters into a rent–to–own agreement with
11 the rental–purchase company. The early–purchase option shall permit the lessee to
12 purchase the rental property for cash at any time after the initial payment. As a
13 condition of exercising the early–purchase option, the rental–purchase company
14 may require the lessee to be current on the lessee’s rent–to–own agreement or to pay
15 any past–due rental charges and other outstanding fees that are owed.

16 **435.408 Referral transactions. (1) PROHIBITED REFERRAL TRANSACTIONS.** No
17 rental–purchase company may induce any individual to enter into a rent–to–own
18 agreement by giving or offering to give a rebate or discount to the individual in
19 consideration of the individual’s giving to the rental–purchase company the names
20 of prospective lessees if the earning of the rebate or discount is contingent upon the
21 occurrence of any event that takes place after the time that the individual enters into
22 the rent–to–own agreement.

23 **(2) AUTHORIZED REFERRAL TRANSACTIONS.** A rental–purchase company may give
24 or offer to give a rebate or discount to a lessee who rents personal property from the
25 rental–purchase company in consideration of the lessee’s giving to the

1 rental–purchase company the names of prospective lessees. A rebate or discount
2 under this subsection may be contingent upon the occurrence of any event that takes
3 place after the time that the names are given to the rental–purchase company.

4 **435.409 Receipts and statements. (1) RECEIPTS DUE UPON REQUEST.** Upon
5 the request of a lessee, a rental–purchase company shall provide a written receipt
6 to the lessee for any payment made by the lessee.

7 **(2) STATEMENT DUE UPON REQUEST.** Upon the request of a lessee, a
8 rental–purchase company shall provide a written statement to the lessee showing
9 the lessee’s payment history on each rent–to–own agreement between the lessee and
10 the rental–purchase company. A rental–purchase company is not required to
11 provide a statement covering any rent–to–own agreement that was terminated or
12 completed more than one year prior to the date of the lessee’s request. A
13 rental–purchase company may provide a single statement covering all rent–to–own
14 agreements or separate statements for each rent–to–own agreement, at the
15 rental–purchase company’s option.

16 **435.501 Price cards displayed. (1) PRICE CARDS; GENERALLY.** A card or tag
17 that clearly and conspicuously states all of the following shall be displayed on or next
18 to any property displayed or offered by a rental–purchase company for rent under a
19 rent–to–own agreement:

20 (a) The price of the property if purchased in cash.

21 (b) The amount of the periodic rental payment and the term over which the
22 payment must be made.

23 (c) The total number and total amount of rental payments that must be paid
24 in order to acquire ownership of the property under a rent–to–own agreement.

25 (d) Whether the property is new or used.

1 **(2) EXCEPTIONS.** If property is offered for rent under a rent-to-own agreement
2 through a catalog or if the size of the property is such that displaying a card or tag
3 on or next to the property would be impractical, a rental-purchase company may
4 make the disclosures required by this section in a catalog or list, if the catalog or list
5 is readily available to prospective lessees.

6 **435.502 Advertising. (1) DISCLOSURE REQUIRED.** Except as provided under
7 sub. (2), if an advertisement for a rent-to-own agreement refers to or states the
8 amount of a payment for any property and the right to acquire ownership of that
9 property, the advertisement shall also clearly and conspicuously state all of the
10 following:

11 (a) That the transaction advertised is a rent-to-own agreement.

12 (b) The total number and total dollar amount of rental payments that must be
13 paid to acquire ownership.

14 (c) That the lessee does not acquire ownership of the property if the total dollar
15 amount of payments necessary to acquire ownership is not paid.

16 **(2) EXCEPTION.** Subsection (1) does not apply to any in-store display or any
17 advertisement that is published in the yellow pages of a telephone directory or in any
18 similar directory of businesses.

19 **(3) ADVERTISER NOT LIABLE.** An owner or agent of the medium in which an
20 advertisement for a rent-to-own agreement appears or through which an
21 advertisement for a rent-to-own agreement is disseminated shall not be liable for
22 any violation of sub. (1).

23 **435.601 Default and right to cure. (1) DEFAULT; GENERALLY.** A lessee is in
24 default under a rent-to-own agreement if any of the following applies:

1 (a) The lessee fails to return rental property within 7 days after the date that
2 the last rental term for which a rental payment was made expires, unless the lessee
3 has exercised an early-purchase option or has made all payments necessary to
4 acquire ownership of the rental property.

5 (b) The lessee materially breaches any other provision of the rent-to-own
6 agreement.

7 **(2) DEFAULT; NECESSARY FOR LESSEE LIABILITY.** No cause of action shall accrue
8 against a lessee with respect to the lessee's obligations under a rent-to-own
9 agreement except by reason of a default.

10 **(3) NOTICE OF DEFAULT; GENERAL REQUIREMENT.** As a condition precedent to
11 bringing an action against a lessee arising out of the lessee's default, a
12 rental-purchase company shall provide a written notice of the default and of the
13 right to cure the default to the lessee. The notice shall specify the default and the
14 action required to cure the default and shall inform the lessee that if the default is
15 not cured within 15 days after the notice is given the rental-purchase company will
16 have the right to bring an action against the lessee.

17 **(4) NOTICE OF DEFAULT; EXCEPTION.** Notwithstanding sub. (3), a rental-purchase
18 company is not required to provide a notice of default and right to cure as a condition
19 precedent to bringing an action against a lessee if each of the following occurred twice
20 during the 12 months before the date of the current default with respect to the same
21 rent-to-own agreement:

22 (a) The lessee was in default.

23 (b) The rental-purchase company gave the lessee written notice of the default
24 and of the lessee's right to cure under sub. (3).

25 (c) The lessee cured the default.

1 **(5) REQUEST FOR VOLUNTARY SURRENDER OF PROPERTY.** A rental–purchase
2 company may request the voluntary return or surrender of rental property prior to
3 the declaration of a default and the sending of written notice of default and right to
4 cure. A request under this subsection is subject to the requirements of s. 435.602.

5 **435.602 Rental–purchase company collection practices.** In attempting
6 to recover possession of rental property or to collect past–due rental payments or
7 other charges owed under a rent–to–own agreement, a rental–purchase company
8 may not do any of the following:

9 **(1) USE OF FORCE.** Use or threaten to use force or violence to cause physical harm
10 to the lessee or the lessee’s dependents or property.

11 **(2) CRIMINAL PROSECUTION.** Threaten criminal prosecution, unless the
12 rental–purchase company reasonably believes, in good faith, that the lessee has
13 violated a law of this state and, as a result of the violation, is subject to penalties
14 including a fine or imprisonment or both and the rental–purchase company intends
15 to seek the filing of criminal charges against the lessee.

16 **(3) DISCLOSURE OF FALSE INFORMATION.** Disclose or threaten to disclose
17 information adversely affecting the lessee’s reputation for credit worthiness with
18 knowledge or reason to know that the information is false.

19 **(4) COMMUNICATION WITH LESSEE’S EMPLOYER.** Initiate or threaten to initiate
20 communication with the lessee’s employer prior to obtaining final judgment against
21 the lessee, except as permitted by statute, including specifically s. 422.404. This
22 subsection does not prohibit a rental–purchase company from communicating with
23 a lessee’s employer solely to verify employment status or earnings or to determine
24 if the employer has an established debt counseling service or procedure.

1 **(5) DISCLOSURE OF INFORMATION REGARDING A DISPUTED DEBT.** Disclose or threaten
2 to disclose information concerning the existence of a debt known to be reasonably
3 disputed by the lessee without disclosing the fact that the lessee disputes the debt.

4 **(6) HARASSMENT.** Communicate with the lessee or a person related to the lessee
5 with such frequency or at such unusual hours or in such a manner as can reasonably
6 be expected to threaten or harass the lessee or engage in any other conduct which can
7 reasonably be expected to threaten or harass the lessee or a person related to the
8 lessee.

9 **(7) USE OF OBSCENE OR THREATENING LANGUAGE.** Use obscene or threatening
10 language in communicating with the lessee or a person related to the lessee.

11 **(8) USE OF THREAT TO ENFORCE FALSE RIGHT.** Threaten to enforce a right with
12 knowledge that the right does not exist.

13 **(9) USE OF FALSE PROCESS.** Use a communication which simulates legal or
14 judicial process or which gives the appearance of being authorized, issued or
15 approved by a government, government agency or attorney-at-law when it is not.

16 **(10) USE OF THREAT TO SUE.** Threaten to file a civil action against the lessee
17 unless such action is taken in the regular course of business or is intended with
18 respect to the lessee in question.

19 **435.701 Civil actions and defenses. (1) LIABILITY; GENERALLY.** Except as
20 provided under sub. (2), a rental-purchase company that violates any provision of
21 this chapter is liable to a lessee damaged as a result of that violation for the costs of
22 the action and for reasonable attorney fees as determined by the court, plus an
23 amount equal to the greater of the following:

24 (a) The actual damages, including any incidental and consequential damages,
25 sustained by the lessee as a result of the violation.

1 (b) An amount equal to 25% of the total amount of payments due in one month
2 under the lessee's rent-to-own agreement, except that liability under this
3 paragraph may not be less than \$100 nor more than \$1,000.

4 **(2) LIABILITY; CERTAIN VIOLATIONS.** If a rent-to-own agreement violates s.
5 435.403, the lessee shall be entitled to retain the rental property without obligation
6 to pay any amount and to recover any sums paid to the rental-purchase company
7 pursuant to the transaction.

8 **(3) CLASS ACTION.** In the case of a class action, a rental-purchase company that
9 violates this chapter is liable to the members of the class in an amount determined
10 by the court, except that the total recovery for all lessees whose recovery is computed
11 pursuant to sub. (1) (b) may not exceed \$100,000 plus the costs of the action and
12 reasonable attorney fees as determined by the court. In determining the amount to
13 award under this subsection, the court shall consider, among other relevant factors,
14 the amount of actual damages sustained by members of the class, the frequency and
15 persistence of violations by the rental-purchase company, the resources of the
16 rental-purchase company, the number of persons damaged by the violation, the
17 presence or absence of good faith on the part of the rental-purchase company, and
18 the extent to which the violation was intentional.

19 **(4) DEFENSE; ERROR NOTIFICATION AND CORRECTION.** A rental-purchase company
20 is not liable for a violation of this chapter resulting from an error by the
21 rental-purchase company if, within 60 days after discovering the error, the
22 rental-purchase company notifies the lessee of the error and makes any adjustments
23 necessary to correct the error.

24 **(5) DEFENSE; UNINTENTIONAL ERROR.** A rental-purchase company is not liable
25 for a violation of this chapter if the rental-purchase company shows by a

1 preponderance of the evidence that the violation was not intentional, that the
2 violation resulted from a bona fide error notwithstanding the maintenance of
3 procedures reasonably adapted to avoid these errors and that the rental–purchase
4 company has acted to correct the error. A bona fide error under this subsection
5 includes a clerical error, an error in making calculations, an error due to computer
6 malfunction or computer programming, or a printing error.

7 **(6) NECESSARY PARTIES.** If more than one lessee is a party to the same
8 rent–to–own agreement, all of the lessees that are parties to the rent–to–own
9 agreement shall be joined as plaintiffs in any action under sub. (1) and the lessees
10 are entitled to only a single recovery under sub. (1).

11 **(7) LIABILITY FOR MULTIPLE VIOLATIONS.** Multiple violations of this chapter in
12 connection with the same rent–to–own agreement shall only entitle the lessee to a
13 single recovery under sub. (1), except that a violation of s. 435.602 that occurs after
14 recovery has been granted with respect to that rent–to–own agreement may entitle
15 the lessee to an additional recovery under sub. (1).

16 **435.702 Limitation on actions.** An action brought by a lessee under this
17 chapter shall be commenced within one year after the date on which the alleged
18 violation occurred, 2 years after the date on which the rent–to–own agreement was
19 entered into, or one year after the date on which the last payment was made under
20 the rent–to–own agreement, whichever is later.”.

21 **971.** Page 1365, line 25: after that line insert:

22 “**SECTION 2841mt.** 440.08 (2) (a) 14f. of the statutes is created to read:

23 440.08 (2) (a) 14f. Athletic trainer: July 1 of each even–numbered year; \$41.”.

24 **972.** Page 1375, line 12: after that line insert:

1 “**SECTION 2922g.** 440.947 of the statutes is created to read:

2 **440.947 Disclosures and representations for certain sales. (1)** In this
3 section:

4 (a) “Cash advance item” means personal property or a service that is obtained
5 by a person from a 3rd party and that is paid for by the person on behalf of, and
6 subject to reimbursement from, a buyer of a casket, outer burial container or
7 cemetery merchandise from the person. “Cash advance item” includes cemetery or
8 crematory services, pallbearers, public transportation, clergy honoraria, flowers,
9 musicians or vocalists, nurses, obituary notices, gratuities and death certificates.

10 (b) “Direct cremation service” means the disposition of human remains by
11 cremation without any formal viewing, visitation or ceremony in which the body of
12 the deceased is present.

13 (c) “Outer burial container” has the meaning given in s. 157.061 (11g).

14 (d) “Person” does not include a person issued a funeral director’s license under
15 ch. 445 or an operator of a funeral establishment, as defined in s. 445.01 (7).

16 **(2)** No person may sell or offer for sale a casket, outer burial container or
17 cemetery merchandise unless the person has provided to the buyer, prior to the sale,
18 a price list in a clearly legible and conspicuous format that includes each of the
19 following:

20 (a) The name, address and telephone number of the person’s place of business.

21 (b) The effective date of the price list.

22 (c) The price and a description of each type of casket, outer burial container and
23 cemetery merchandise that the person usually offers for sale without special
24 ordering. A description required under this paragraph shall enable a buyer to

1 identify and understand the specific casket, outer burial container or cemetery
2 merchandise that is offered for sale.

3 (d) If the person usually offers an outer burial container for sale without special
4 ordering, a statement that is identical to the following: “State law does not require
5 that you buy a container to surround the casket in the grave. However, many
6 cemeteries require that you have such a container so that the grave will not sink in.
7 Either a grave liner or a burial vault will satisfy these requirements.”

8 (e) The price and a description of any direct cremation or burial service offered
9 by the person and, if the person offers direct cremation service, a statement that is
10 identical to the following: “If you want to arrange a direct cremation, you can use an
11 alternative container. Alternative containers encase the body and can be made of
12 materials like fiberboard or composition materials (with or without an outside
13 covering). The containers that we provide are [insert a description of the
14 containers offered for direct cremation].”

15 (f) The price and a description of any service offered by the person for the use
16 any facilities, equipment or staff related to a viewing, funeral ceremony, memorial
17 service or graveside service.

18 (g) The amount and a description of any basic service fee that is charged in
19 addition to any price described under pars. (c), (e) or (f).

20 **(3)** A person who sells a casket, outer burial container or cemetery merchandise
21 shall, immediately after completing the sale, provide the buyer with a form in a
22 clearly legible and conspicuous format that includes each of the following:

23 (a) The price and a description of the casket, outer burial container or cemetery
24 merchandise.

1 (b) The price and a description of any service specified in sub. (2) (e) or (f) that
2 is sold in addition to the casket, outer burial container or cemetery merchandise.

3 (c) The amount and a description of any basic service fee that is charged in
4 addition to any price described under par. (a) or (b).

5 (d) A statement that the buyer may be charged only for the items that he or she
6 has selected or that are required by law and a description and explanation of any
7 items that he or she is required by law to purchase.

8 (e) A description of any charge for a cash advance item, including any
9 commission, discount or rebate that the person receives for a cash advance item from
10 the 3rd party from which the cash advance item is obtained and that the person does
11 not pass on to the buyer.

12 **(4)** No person who sells a casket, outer burial container or cemetery
13 merchandise may do any of the following:

14 (a) Provide inaccurate information regarding the information specified in sub.
15 (2) (c), (e), (f) or (g) to a prospective buyer who contacts the person by telephone.

16 (b) Represent that state or local law requires a prospective buyer to purchase
17 a casket for a direct cremation service.

18 (c) Misrepresent to a prospective buyer any requirement under federal, state
19 or local law or under the rules of any cemetery, mausoleum or crematory relating to
20 the use of a casket, outer burial container or cemetery merchandise.

21 (d) Represent that any casket, outer burial container or cemetery merchandise
22 will delay the natural decomposition of human remains for a long or indefinite period
23 of time.

24 (e) Require a buyer to pay an additional fee or surcharge if the buyer purchases
25 a casket, outer burial container or cemetery merchandise from a 3rd party.

1 (f) Alter a price specified in sub. (2) (c), (e), (f) or (g) based on the type of casket,
2 outer burial container or cemetery merchandise purchased by a buyer.

3 (5) A person who sells a casket, outer burial container or cemetery merchandise
4 shall retain a copy of the price list specified in sub. (2) (intro.) for at least one year
5 after the date of its last distribution to a prospective buyer and shall retain a copy
6 of each form that is provided to a buyer under sub. (3) (intro.) for at least one year
7 after completion of a sale. A person required to retain a copy under this subsection
8 shall make the copy available for inspection by the department upon request.

9 **SECTION 2922r.** 440.95 (3) of the statutes is amended to read:

10 440.95 (3) Except as provided in subs. (1) and (2), any person who violates s.
11 440.91 or 440.947 or any rule promulgated under s. 440.91 may be fined not more
12 than \$1,000 or imprisoned for not more than 6 months or both.”.

13 **973.** Page 1375, line 20: after that line insert:

14 “**SECTION 2923r.** 452.12 (3) (c) of the statutes is created to read:

15 452.12 (3) (c) The department shall promulgate rules that specify the
16 responsibility and supervision requirements under this subsection and the most
17 appropriate means for a broker to fulfill such requirements.”.

18 **974.** Page 1375, line 20: after that line insert:

19 “**SECTION 2923t.** Subchapter VI of chapter 448 [precedes 448.95] of the statutes
20 is created to read:

21 **CHAPTER 448**

22 **SUBCHAPTER VI**

23 **ATHLETIC TRAINERS AFFILIATED**

24 **CREDENTIALING BOARD**

1 **448.95 Definitions.** In this subchapter:

2 **(1)** “Affiliated credentialing board” means the athletic trainers affiliated
3 credentialing board.

4 **(2)** “Athlete” means a person participating in vigorous activities, sports, games
5 or recreation.

6 **(3)** “Athletic injury” means any of the following:

7 **(a)** An injury or illness sustained by an athlete as a result of the athlete’s
8 participation in exercise, sports, games or recreation.

9 **(b)** An injury or illness that impedes or prevents an athlete from participating
10 in exercise, sports, games or recreation.

11 **(4)** “Athletic trainer” means an individual who engages in athletic training.

12 **(5)** “Athletic training” means doing any of the following:

13 **(a)** Preventing, recognizing and evaluating athletic injuries.

14 **(b)** Managing and administering the initial treatment of athletic injuries.

15 **(c)** Giving emergency care or first aid for an athletic injury.

16 **(d)** Rehabilitating and physically reconditioning athletic injuries.

17 **(5m)** “Consulting physician” means a person licensed as a physician under
18 subch. II who consults with an athletic trainer while the athletic trainer is engaging
19 in athletic training.

20 **(6)** “Licensee” means a person who is licensed as an athletic trainer under this
21 subchapter.

22 **448.951 Use of title.** Except as provided in s. 448.952, no person may
23 designate himself or herself as an athletic trainer or use or assume the title “athletic
24 trainer”, “licensed athletic trainer”, “certified athletic trainer” or “registered athletic
25 trainer” or append to the person’s name any other title, letters or designation which

1 represents or may tend to represent the person as an athletic trainer unless the
2 person is licensed under this subchapter.

3 **448.952 Applicability.** This subchapter does not require a license under this
4 subchapter for any of the following:

5 (1) Any person lawfully practicing within the scope of a license, permit,
6 registration or certification granted by this state or the federal government, if the
7 person does not represent himself or herself as an athletic trainer.

8 (2) An athletic training student practicing athletic training within the scope
9 of the student's education or training, if he or she clearly indicates that he or she is
10 an athletic training student.

11 (3) An athletic trainer who is in this state temporarily with an individual or
12 group that is participating in a specific athletic event or series of athletic events and
13 who is licensed, certified or registered by another state or country or certified as an
14 athletic trainer by the Board of Certification of the National Athletic Trainers
15 Association.

16 **448.9525 Duties of affiliated credentialing board.** (1) The affiliated
17 credentialing board shall do all of the following:

18 (a) Maintain a complete list of athletic trainers licensed under this subchapter
19 that includes the address of each person on the list.

20 (b) Provide a copy of the list maintained under par. (a) to any person who
21 requests a copy.

22 (c) Prescribe a form for the recording of a protocol required under s. 448.956 (1).

23 (d) Promulgate rules establishing the minimum amount of liability insurance
24 or surety bonding that a licensee must have to be eligible for renewal of his or her
25 license.

1 **(2)** Subject to s. 448.956 (1), (4) and (5), the affiliated credentialing board and
2 the medical examining board shall jointly promulgate rules relating to the minimum
3 requirements of a protocol required under s. 448.956 (1).

4 **448.953 Licensure of athletic trainers. (1)** The affiliated credentialing
5 board shall grant an athletic trainer license to a person who does all of the following:

6 (a) Submits an application for the license to the department on a form provided
7 by the department.

8 (b) Pays the fee specified in s. 440.05 (1).

9 (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
10 to the affiliated credentialing board that he or she does not have an arrest or
11 conviction record.

12 (d) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
13 to the affiliated credentialing board that he or she does not have a history of alcohol
14 or other drug abuse.

15 (e) Submits evidence satisfactory to the affiliated credentialing board that he
16 or she has received at least a bachelor's degree from an accredited college or
17 university.

18 (f) Submits evidence satisfactory to the affiliated credentialing board that he
19 or she has met the requirements for certification established by the National Athletic
20 Trainers Association Board of Certification and has passed the certification
21 examination administered by the National Athletic Trainers Association Board of
22 Certification.

23 (g) Provides all of the following information:

1 1. A statement as to whether the person has been granted an athletic trainer
2 credential from any licensing jurisdiction in the United States or in any foreign
3 country.

4 2. If the person has been granted an athletic trainer credential from any
5 licensing jurisdiction in the United States or in any foreign country, a description of
6 any disciplinary actions initiated against the person by the licensing jurisdiction
7 that issued the credential.

8 3. A statement as to whether the person has ever applied for an athletic trainer
9 credential from any licensing jurisdiction in the United States or in any foreign
10 country and had the application denied, along with a description of why the
11 credential application was denied.

12 (h) Passes an examination under s. 448.954.

13 **(2)** The affiliated credentialing board may waive the requirements under sub.
14 (1) (c) to (h) for an applicant for a license under sub. (1) who establishes to the
15 satisfaction of the affiliated credentialing board all of the following:

16 (a) That he or she has been issued a credential as an athletic trainer by another
17 licensing jurisdiction in the United States.

18 (b) That the jurisdiction that issued the credential under par. (a) has
19 requirements for credentialing that are substantially equivalent to the
20 requirements under sub. (1) (c) to (h).

21 **(3)** (a) The affiliated credentialing board shall issue a temporary license to a
22 person who satisfies the requirements under sub. (1) (a) and (c) to (g) and who pays
23 the fee specified in s. 440.05 (6). The temporary license is valid for one year and may
24 not be renewed.

1 (b) If a person who is issued a temporary license under par. (a) submits, before
2 the temporary license expires, evidence satisfactory to the affiliated credentialing
3 board that he or she has passed the examination required under s. 448.954, the
4 affiliated credentialing board shall issue the person a license under sub. (1).

5 (4) (a) The affiliated credentialing board shall issue a temporary license to a
6 person who satisfies the requirements under sub. (1) (a), (c) to (e) and (g), pays the
7 fee specified in s. 440.05 (6) and submits evidence satisfactory to the affiliated
8 credentialing board that he or she has engaged in athletic training during each of the
9 12 consecutive months immediately preceding the effective date of this paragraph
10 [revisor inserts date]. The temporary license is valid for 2 years and shall be
11 renewed once if a license holder submits evidence satisfactory to the affiliated
12 credentialing board at the time of renewal that he or she has made significant
13 progress toward satisfying the requirement under sub. (1) (f).

14 (b) If a person who is issued a temporary license under par. (a) satisfies the
15 requirements under sub. (1) (f) and (h) before the temporary license expires, the
16 affiliated credentialing credentialing board shall issue the person a license under
17 sub. (1).

18 (5) An application form for a license under this section shall include all of the
19 following:

20 (a) An affirmation by the applicant that the information that he or she is
21 supplying on the application is true and complete.

22 (b) A statement that the applicant authorizes the affiliated credentialing board
23 to have access to any of the following:

24 1. The applicant's records at the college or university at which he or she
25 received the bachelor's degree required under sub. (1) (e).

1 2. The records of any credentialing authority in any licensing jurisdiction in the
2 United States or in any foreign country that has granted the applicant a credential
3 in athletic training.

4 **448.954 Examination. (1)** The affiliated credentialing board shall conduct
5 or arrange for examinations for athletic trainer licensure at least semiannually and
6 at times and places determined by the affiliated credentialing board. Examinations
7 shall consist of written or oral tests, or both, requiring applicants to demonstrate
8 minimum competency in subjects substantially related to athletic training.

9 **(2)** In lieu of an examination under sub. (1), the affiliated credentialing board
10 may accept the results of an examination administered by the National Athletic
11 Trainers Association Board of Certification.

12 **448.9545 Continuing education. (1)** (a) To be eligible for renewal of a license
13 issued under s. 448.953 (1) or (2), a licensee shall, during the 2-year period
14 immediately preceding the renewal date specified under s. 440.08 (2) (a), complete
15 not less than 30 credit hours of continuing education in courses of study approved by
16 the affiliated credentialing board.

17 (b) No more than 10 credit hours of the continuing education required under
18 par. (a) may be on any of the following subject areas or combination of subject areas:

- 19 1. Management.
- 20 2. Risk management.
- 21 3. Personal growth.
- 22 4. Educational techniques.

23 **(2)** The affiliated credentialing board may approve any of the following courses
24 for continuing education credit:

1 (a) A course that has been approved for continuing education credit by the
2 National Athletic Trainers Association Board of Certification.

3 (b) Any course that satisfies all of the following:

4 1. The course is directly related to the practice of athletic training or sports
5 medicine and lasts at least one hour.

6 2. Each member of the course faculty has expertise in the subject area of the
7 course because he or she has received a degree from an accredited college or
8 university relating to the subject area, has experience or special training in the
9 subject area covered by the course or has previously taught the subject area covered
10 by the course.

11 3. The course has specific written objectives describing the goals of the course
12 for the participants.

13 4. The sponsor of the course keeps attendance records for the course and retains
14 copies of those records for at least 4 years after the date of the course.

15 **448.955 Issuance of license; expiration and renewal. (1)** The renewal
16 dates for licenses granted under this subchapter, other than temporary licenses
17 granted under s. 448.953 (3) or (4), are specified under s. 440.08 (2) (a).

18 **(2)** Renewal applications shall be submitted to the department on a form
19 provided, subject to sub. (3), by the department and shall include the renewal fee
20 specified in s. 440.08 (2) (a) and evidence satisfactory to the affiliated credentialing
21 board that the licensee has all of the following:

22 (a) Completed, during the 2-year period immediately preceding the renewal
23 date specified in s. 440.08 (2) (a), the continuing education requirements specified
24 in s. 448.9545.

25 (b) Current certification in cardiopulmonary resuscitation.

1 (c) Liability insurance or a surety bond in at least the minimum amount
2 required by the rules promulgated under s. 448.9525 (1) (d).

3 **(3)** A renewal application form for renewal of a license issued under this
4 subchapter shall include all of the following:

5 (a) A place for the licensee to describe his or her work history, including the
6 average number of hours worked each week, for the 2-year period immediately
7 preceding the renewal date specified in s. 440.08 (2) (a).

8 (c) A statement, signed by the licensee and the licensee's consulting physician,
9 that a current copy of the protocol required under s. 448.956 (1) is on file at the place
10 of employment of the athletic trainer and of the consulting physician.

11 **448.956 Practice requirements. (1)** (a) A licensee may engage in athletic
12 training only in accordance with an evaluation and treatment protocol that is
13 established by the athletic trainer and approved by the consulting physician in
14 accordance with the rules promulgated under s. 448.9525 (2) and recorded on a
15 protocol form prescribed by the affiliated credentialing board under s. 448.9525 (1)
16 (c).

17 (am) A protocol established under par. (a) shall require an athletic trainer to
18 notify the consulting physician as soon as possible if a person being treated by the
19 athletic trainer sustains new injuries.

20 (b) A licensee shall have a copy of the protocol established under par. (a) at his
21 or her place of employment at all times.

22 (c) A protocol established under par. (a) shall be updated no later than 30 days
23 before the date specified in s. 440.08 (2) (a) 14f.

24 **(2)** In addition to engaging in athletic training under a protocol established
25 under sub. (1), a licensee may do any of the following:

1 (a) Monitor the general behavior and general physical response of a person to
2 treatment and rehabilitation, including monitoring whether the person's behavior
3 or response show abnormal characteristics and monitoring whether the person
4 exhibits abnormal signs or symptoms.

5 (b) Suggest modifications in treatment or rehabilitation of an injured person
6 to the consulting physician or any other health care provider who is providing
7 treatment to the person.

8 (c) Develop and administer an athletic training program for a person. An
9 athletic training program under this paragraph may include providing education
10 and counseling to a person.

11 **(3)** When working on behalf of his or her primary employer, a licensee may, in
12 accordance with a protocol established under sub. (1) (a), do all of the following:

13 (a) Treat and rehabilitate an athletic injury using cold, heat, light, sound,
14 electricity, exercise, chemicals or mechanical devices.

15 (b) Evaluate and treat a person for an athletic injury that has not previously
16 been diagnosed.

17 (c) Treat or rehabilitate an employe of the primary employer with an injury that
18 is identical to an athletic injury and that has resulted from an occupational activity
19 as directed, supervised and inspected by a physician, as defined in s. 448.01 (5), or
20 by a person licensed under s. 446.02, who has the power to direct, decide and oversee
21 the implementation of the treatment or rehabilitation.

22 **(4)** If a licensee or the consulting physician of the licensee determines that a
23 patient's medical condition is beyond the scope of practice of the licensee, the licensee
24 shall, in accordance with the protocol established under sub. (1) (a), refer the patient

1 to a health care practitioner who is licensed under ch. 446 or 447 or subch. II, III or
2 IV of ch. 448 and who can provide appropriate treatment to the patient.

3 (5) A licensee shall modify or terminate treatment of a patient that is not
4 beneficial to a patient or that the patient cannot tolerate.

5 **448.957 Disciplinary proceedings and actions.** (1) Subject to the rules
6 promulgated under s. 440.03 (1), the affiliated credentialing board may make
7 investigations and conduct hearings to determine whether a violation of this
8 subchapter or any rule promulgated under this subchapter has occurred.

9 (2) Subject to the rules promulgated under s. 440.03 (1), the affiliated
10 credentialing board may reprimand a licensee or may deny, limit, suspend or revoke
11 a license granted under this subchapter if it finds that the applicant or licensee has
12 done any of the following:

13 (a) Made a material misstatement in an application for a license or for renewal
14 of a license.

15 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the
16 circumstances of which substantially relate to the practice of athletic training.

17 (c) Advertised in a manner that is false, deceptive or misleading.

18 (d) Advertised, practiced or attempted to practice under another's name.

19 (e) Subject to ss. 111.321, 111.322 and 111.34, practiced athletic training while
20 the applicant's or licensee's ability to practice was impaired by alcohol or other drugs.

21 (f) Engaged in unprofessional or unethical conduct.

22 (g) Engaged in conduct while practicing athletic training that evidences a lack
23 of knowledge or ability to apply professional principles or skills.

24 (h) Failed to cooperate with the affiliated credentialing board in an
25 investigation under this section.

1 (i) Aided another person in violating this subchapter or any rule promulgated
2 under this subchapter.

3 (j) Violated this subchapter or any rule promulgated under this subchapter.

4 **(3)** In addition to or in lieu of the penalties provided under sub. (2), the
5 affiliated credentialing board may assess against an applicant or licensee a forfeiture
6 of not more than \$10,000 for each violation specified under sub. (2).

7 **448.958 Injunctive relief.** If the affiliated credentialing board has reason to
8 believe that any person is violating this subchapter or any rule promulgated under
9 this subchapter, the affiliated credentialing board, the department, the attorney
10 general or the district attorney of the proper county may investigate and may, in
11 addition to any other remedies, bring an action in the name and on behalf of this state
12 to enjoin the person from the violation.

13 **448.959 Penalties.** Any person who violates this subchapter or any rule
14 promulgated under this subchapter may be fined not more than \$10,000 or
15 imprisoned for not more than 9 months or both.

16 **SECTION 2923v.** 450.10 (3) (a) 5q. of the statutes is created to read:

17 450.10 **(3)** (a) 5q. An athletic trainer licensed under subch. VI of ch. 448.”.

18 **975.** Page 1375, line 20: after that line insert:

19 “**SECTION 2923mm.** 445.125 (1) (a) 2. of the statutes is amended to read:

20 445.125 **(1)** (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
21 irrevocable as to the first ~~\$2,000~~ \$2,500 of the funds paid under the agreement by
22 each depositor.”.

23 **SECTION 2923mn.** 445.125 (1) (a) 2. of the statutes, as affected by 1999
24 Wisconsin Act (this act), is amended to read:

1 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
2 irrevocable as to the first ~~\$2,500~~ \$3,000 of the funds paid under the agreement by
3 each depositor.”.

4 **976.** Page 1376, line 21: after that line insert:

5 “**SECTION 2929c.** 560.01 (2) (a) of the statutes is amended to read:

6 560.01 (2) (a) *State economic policy.* The department shall develop a state
7 economic policy. The department shall promote and provide technical assistance,
8 consultative services and other assistance to commercial, industrial and recreational
9 development and expansion; facilitate the establishment and retention of business
10 enterprises in this state, including small and minority business enterprises;
11 encourage cooperation between financial institutions and business persons to
12 encourage commercial, industrial and recreational business expansion in this state;
13 encourage creation of jobs throughout the state and especially in urban and rural
14 economically depressed areas; develop and coordinate state public and private
15 economic development plans and federal economic development assistance
16 programs affecting local governments and business and industry; advise, assist and
17 cooperate with the biotechnology development finance company under s. 234.64;
18 encourage the growth of tourism in the state; promote state products and industries
19 in both foreign and domestic markets; provide informational clearinghouses for
20 businesses and communities in their dealings with other state and federal agencies;
21 advise the governor and legislature on the role of the state in state–local affairs;
22 study the problems affecting local government relations as they impact on economic
23 development and make recommendations for relieving these problems; develop a
24 state–local relations policy to facilitate closer coordination and cooperation between

1 state and local governments; advise the governor and the legislature regarding
2 problems faced by local governments; develop an improved pattern of state–local
3 relations; and develop recommendations for legislative or administrative action as
4 may appear necessary.”.

5 **977.** Page 1376, line 21: after that line insert:

6 “**SECTION 2927a.** 552.23 (1) of the statutes is amended to read:

7 552.23 (1) If the target company is an insurance company subject to regulation
8 by the commissioner of insurance, a banking corporation subject to regulation by the
9 division of banking, a savings bank or savings and loan association subject to
10 regulation by the division of savings and loan institutions, or a company subject to
11 regulation by the public service commission, the department of transportation or the
12 office of the commissioner of railroads, the division of securities shall promptly
13 furnish a copy of the registration statement filed under this chapter to the regulatory
14 agency having supervision of the target company. Any hearing under this chapter
15 involving any such target company shall be held jointly with the regulatory agency
16 having supervision, and any determination following the hearing shall be made
17 jointly with that regulatory agency.”.

18 **978.** Page 1378, line 12: after that line insert:

19 “**SECTION 2937p.** 560.12 (1) (ae) of the statutes is amended to read:

20 560.12 (1) (ae) “Recyclable material” means a material identified in s. 287.07
21 (3), 1997 stats., or s. 287.07 (4), 1997 stats., that is recovered from solid waste.”.

22 **979.** Page 1382, line 24: delete “annually” and substitute “in each fiscal year”.

23 **980.** Page 1383, line 5: delete lines 5 and 6 and substitute:

1 “(b) The department may not expend more than \$500,000 in fiscal year
2 1999–2000, or more than \$1,000,000 in any fiscal year thereafter, in grants to the city
3 of Milwaukee under this subsection.”.

4 **981.** Page 1383, line 11: delete “each year” and substitute “each fiscal year”.

5 **982.** Page 1383, line 15: delete “annually” and substitute “in a fiscal year”.

6 **983.** Page 1383, line 19: delete “annually” and substitute “in each fiscal year”.

7 **984.** Page 1384, line 7: delete “each year” and substitute “each fiscal year”.

8 **985.** Page 1400, line 18: after that line insert:

9 “**SECTION 3021c.** 560.835 (7) (b) of the statutes is amended to read:

10 560.835 (7) (b) The department shall deposit in the ~~recycling fund~~
11 appropriation account under s. 20.143 (1) (L) all moneys received after July 1, 1995
12 the effective date of this paragraph [revisor inserts date], in repayment of loans
13 made under this section.”.

14 **986.** Page 1400, line 18: after that line insert:

15 “**SECTION 3020p.** 560.835 (1) (c) of the statutes is amended to read:

16 560.835 (1) (c) The development and operation of a facility to process materials
17 recovered from a solid waste management program that complies with s. 287.07
18 (1m), ~~(3) or (4)~~ or the development and operation of a solid waste collection business
19 if the solid waste collected is used in the production of a product.”.

20 **987.** Page 1401, line 5: after that line insert:

21 “**SECTION 3023t.** 565.02 (2) (e) of the statutes is created to read:

22 565.02 (2) (e) If requested by a lottery prize winner to provide a certification
23 that lists the amounts of the lottery prize payments, if any, that the administrator

1 is required to withhold under s. 565.30 (4), (5), (5m) and (5r), the administrator shall
2 provide the certification.”.

3 **988.** Page 1402, line 19: after that line insert:

4 “**SECTION 3025w.** 565.45 of the statutes is amended to read:

5 **565.45 Report on expense limitation.** Before January 1, 1992 2002, and
6 every 2 years thereafter, the department shall submit a report to the chief clerk of
7 each house of the legislature, for distribution to the legislature under s. 13.172 (2),
8 on the effects on the operation of the lottery of the 10% expense limitation under s.
9 25.75 (3) (b).”.

10 **989.** Page 1402, line 19: after that line insert:

11 “**SECTION 3025m.** 565.30 (5) of the statutes, as affected by 1997 Wisconsin Act
12 27, is amended to read:

13 **565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS**
14 **OWED THE STATE.** The administrator shall report the name, address and social security
15 number of each winner of a lottery prize equal to or greater than \$1,000 and the
16 name, address and social security number of each person to whom a lottery prize
17 equal to or greater than \$1,000 has been assigned to the department of revenue to
18 determine whether the payee or assignee of the prize is delinquent in the payment
19 of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court–ordered payment of child
20 support or has a debt owing to the state. Upon receipt of a report under this
21 subsection, the department of revenue shall first ascertain based on certifications by
22 the department of workforce development or its designee under s. 49.855 (1) whether
23 any person named in the report is currently delinquent in court–ordered payment
24 of child support and shall next certify to the administrator whether any person

1 named in the report is delinquent in court-ordered payment of child support or
2 payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by
3 the department of revenue or upon court order the administrator shall withhold the
4 certified amount and send it to the department of revenue for remittance to the
5 appropriate agency or person. At the time of remittance, the department of revenue
6 shall charge its administrative expenses to the state agency that has received the
7 remittance. The administrative expenses received by the department of revenue
8 shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which
9 the payee or assignee of the prize is delinquent both in payments for state taxes and
10 in court-ordered payments of child support, or is delinquent in one or both of these
11 payments and has a debt owing to the state, the amount remitted to the appropriate
12 agency or person shall be in proportion to the prize amount as is the delinquency or
13 debt owed by the payee or assignee.

14 **SECTION 3025p.** 565.30 (5m) of the statutes is renumbered 565.30 (5m) (a) and
15 amended to read:

16 **565.30 (5m) (a)** WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE
17 OR FAMILY SUPPORT. The administrator shall report to the department of workforce
18 development the name, address and social security number of each winner of a
19 lottery prize that is payable in instalments and the name, address and social security
20 number or federal income tax number of the person who has been assigned a lottery
21 prize that is payable in instalments. Upon receipt of the report, the department of
22 workforce development shall certify to the administrator whether any payee or
23 assignee named in the report is obligated to provide child support, spousal support,
24 maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25,
25 767.26, 767.261, 767.458 (3), 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) (a) or

1 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize
2 under s. 767.265. The Subject to par. (b), the administrator shall withhold the
3 certified amount from each payment made to the winner or assignee and remit the
4 certified amount to the department of workforce development.

5 **SECTION 3025pc.** 565.30 (5m) (b) of the statutes is created to read:

6 565.30 (5m) (b) The administrator may not withhold from any payment to an
7 assignee of a lottery prize any child support, spousal support, maintenance or family
8 support specified in par. (a) that is owed by a winner of a lottery prize, nor may the
9 administrator withhold from any payment to a winner any child support, spousal
10 support maintenance or family support that is owed by an assignee.

11 **SECTION 3025pf.** 565.30 (5r) (a) of the statutes is amended to read:

12 565.30 (5r) (a) Annually, the administrator shall provide each clerk of circuit
13 court in the state with a list of the winners or assignees of a lottery prize that is
14 payable in instalments. The list shall include each winner or assignee since the date
15 of the previous list.

16 **SECTION 3025pg.** 565.30 (5r) (b) of the statutes is amended to read:

17 565.30 (5r) (b) If Subject to par. (c), if the administrator receives a notice under
18 s. 973.05 (5) (a) or 778.30 (2) (a) of the assignment of lottery prizes under s. 973.05
19 (4) (c) or 778.30 (1) (c) and determines that the person subject to the assignment is
20 a winner or assignee of a lottery prize that is payable in instalments, the
21 administrator shall withhold the amount of the judgment that is the basis of the
22 assignment from the next instalment payment. The administrator shall submit the
23 withheld amount to the court that issued the assignment. At the time of the
24 submittal, the administrator shall charge the administrative expenses related to
25 that withholding and submittal to the winner or assignee of the lottery prize and

1 withhold those expenses from the balance of the instalment payment. The
2 administrator shall notify the winner or assignee of the reason that the amount is
3 withheld from the instalment payment. If the initial instalment payment is
4 insufficient to pay the judgment and administrative expenses, the administrator
5 shall withhold and submit to the court an amount from any additional instalment
6 payments until the judgment and administrative expenses are paid in full and the
7 assignment is no longer in effect. The administrative expenses received by the
8 department shall be credited to the appropriation under s. 20.566 (1) (h).

9 **SECTION 3025ph.** 565.30 (5r) (c) of the statutes is created to read:

10 565.30 (5r) (c) The administrator may not withhold from any payment to an
11 assignee of a lottery prize the amount specified in par. (b) that is owed by a winner
12 of a lottery prize, nor may the administrator withhold from any payment to a winner
13 the amount specified in par. (b) that is owed by an assignee.

14 **SECTION 3025pj.** 565.30 (5t) of the statutes is amended to read:

15 565.30 (5t) PRIORITY OF WITHHOLDING. (intro.) The administrator shall withhold
16 payments under this section from a winner or assignee of a lottery prize in the
17 following order:

18 **SECTION 3025pL.** 565.30 (6) of the statutes is repealed.

19 **SECTION 3025pm.** 565.30 (6m) of the statutes is created to read:

20 565.30 (6m) USE OF LOTTERY PRIZE AS SECURITY FOR LOAN. (a) *Definition.* In this
21 subsection, “prize winner” means a person who has won a lottery prize and any other
22 person who is authorized by law to use a lottery prize as security for a loan.

23 (b) *Security for a loan.* A prize winner may use a lottery prize or part of a lottery
24 prize as security for a loan only pursuant to a court order issued under this
25 subsection.

1 (c) *Judicial process for using lottery prizes as security for loans.* Any prize
2 winner who intends to use part or all of a lottery prize as security for a loan shall
3 petition the circuit court of the county in which the prize winner resides or the circuit
4 court of Dane County for a court order confirming the use of a lottery prize as security
5 for a loan. The circuit court of the county in which the prize winner resides or the
6 circuit court of Dane County shall issue an order confirming the use of a lottery prize
7 as security for a loan only if all of the following occur:

8 1. The prize winner is represented by independent legal counsel.

9 2. A copy of the contract that provides for using any part of the lottery prize as
10 security for the loan is attached to the petition.

11 3. The contract is executed by the prize winner, is subject to the laws of this
12 state and provides that the prize winner has the right to cancel the contract until
13 midnight of the 3rd business day after the date on which the prize winner entered
14 into the contract.

15 4. The prize winner attests, by sworn affidavit, that he or she is of sound mind,
16 is not acting under duress and acknowledges that the state will not make any of the
17 lottery prize payments or parts of lottery prize payments to the prize winner that are
18 being used as security for the loan in the event the prize winner defaults on the loan.

19 5. The prize winner, by sworn affidavit, provides the court with an accounting
20 of all claims to, or judgments, liens, security interests, garnishments, assignments
21 or attachments against, all or any part of the lottery prize payments.

22 6. The prize winner provides the court a certification from the administrator
23 that lists the amounts of the lottery prize payments, if any, that the administrator
24 is required to withhold for the prize winner under subs. (4), (5), (5m) and (5r).

1 7. The part of the lottery prize that is being used as security for the loan does
2 not include the amounts of any withholdings specified under subs. (4), (5), (5m) and
3 (5r).

4 8. The court determines that the interest rate on the loan does not exceed the
5 weekly prime rate for the week prior to the date on which the court received a copy
6 of the contract, as reported by the federal reserve board in federal reserve statistical
7 release H. 15, plus 6%. In making the calculation under this subdivision, the court
8 shall subtract from the compensation received by the individual or organization
9 making the loan any required fees or other costs charged the prize winner.

10 (d) *Contents of court order.* A court order issued under par. (c) shall include all
11 of the following:

12 1. The name of the prize winner.

13 2. The prize winner's social security number if the prize winner is an
14 individual, or federal income tax identification number if the prize winner is an
15 organization.

16 3. The name of the individual or organization that is making the loan to the
17 prize winner.

18 4. The social security number of the individual or the federal income tax
19 identification number of the organization that is making the loan to the prize winner.

20 5. If an individual is making the loan to the prize winner, the citizenship of the
21 individual. If the individual is not a citizen of the United States of America, the order
22 shall include the individual's resident alien number.

23 (e) *Administration.* Upon receipt of a court order issued under par. (c), the
24 individual or organization making the loan shall provide a certified copy of the court
25 order to the administrator. The administrator shall acknowledge receipt of the court

1 order in writing to the individual or organization making the loan and shall make
2 all lottery prize payments according to the terms specified in the court order. The
3 administrator may charge an initial processing fee, in an amount determined by
4 rule, to cover any costs associated with processing the lottery prize payments in
5 accordance with the terms specified in the court order.

6 **SECTION 3025pp.** 565.30 (6r) of the statutes is created to read:

7 **565.30 (6r)** VOLUNTARY ASSIGNMENT OF LOTTERY PRIZE. (a) *Definition.* In this
8 subsection, “assignor” means a lottery prizewinner or a person who has the right to
9 assign all or part of a lottery prize.

10 (b) *Voluntary assignment.* An assignor may make a voluntary assignment of
11 a lottery prize or part of a lottery prize only pursuant to a court order issued under
12 this subsection.

13 (c) *Judicial process for assignment.* Any assignor who intends to voluntarily
14 assign part or all of a lottery prize to any individual or organization shall petition the
15 circuit court of the county in which the assignor resides or the circuit court of Dane
16 County for a court order confirming the assignment. The circuit court of the county
17 in which the assignor resides or the circuit court of Dane County shall issue an order
18 confirming the assignment only if all of the following occur:

- 19 1. The assignor is represented by independent legal counsel.
- 20 2. A copy of the assignment is attached to the petition.
- 21 3. The assignment is in writing, is executed by the assignor and is subject to
22 the laws of this state.

23 3m. The contract for the assignment provides that the assignor has the right
24 to cancel the contract until midnight of the 3rd business day after the date on which
25 the assignor entered into the contract.

1 3r. The contract for the assignment provides that the assignor, from the
2 proceeds received from the individual or organization to whom part or all of the
3 lottery prize is assigned, agrees to pay in full any delinquent payments that may be
4 owed by the assignor under subs. (4), (5), (5m) and (5r).

5 4. The assignor attests, by sworn affidavit, that he or she is of sound mind, is
6 not acting under duress and acknowledges that the state will not make any of the
7 assigned lottery prize payments or parts of lottery prize payments to the assignor.

8 5. The assignor, by sworn affidavit, provides the court with an accounting of all
9 claims to, or judgments, liens, security interests, garnishments, assignments or
10 attachments against, all or any part of the lottery prize payments.

11 6. The assignment does not include the amounts of any withholdings specified
12 under sub. (4), (5), (5m) or (5r).

13 7. The assignor provides the court a certification from the administrator that
14 lists the amounts of the lottery prize payments, if any, that the administrator is
15 required to withhold for the assignor under subs. (4), (5), (5m) and (5r).

16 8. The payment that the assignor will receive as compensation for the
17 assignment is at least equal to the present value of the assigned lottery prize
18 payments, discounted at a rate no greater than the weekly prime rate for the week
19 prior to the date on which the court received a copy of the assignment, as reported
20 by the federal reserve board in federal reserve statistical release H. 15, plus 6%. In
21 making the calculation under this subdivision, the court shall subtract from the
22 compensation received by the assignor any required fees or other costs charged the
23 assignor.

24 9. The individual or organization to whom part or all of the lottery prize is
25 assigned specifies in an affidavit that the individual or organization agrees to report

1 and pay any state income or franchise tax that is owed on any income or gain realized
2 from the purchase and subsequent sale or redemption of any lottery prize.

3 (d) *Contents of court order.* A court order issued under par. (c) shall include all
4 of the following:

5 1. The name of the prizewinner or the name of the assignor, if different from
6 the prizewinner.

7 2. The assignor's social security number if the assignor is an individual, or
8 federal income tax identification number if the assignor is an organization.

9 3. The name of the individual or organization to whom part or all of the lottery
10 prize is assigned.

11 4. The social security number of the individual or the federal income tax
12 identification number of the organization to whom part or all of the lottery prize is
13 assigned.

14 5. If part or all of the lottery prize is assigned to an individual, the citizenship
15 of the individual. If the individual is not a citizen of the United States of America,
16 the order shall include the individual's resident alien number.

17 6. The number of assigned lottery prize payments and the dates on which the
18 assigned lottery prize payments are to be paid.

19 7. The gross amount of each of the lottery prize payments that are subject to
20 withholding for tax purposes and that are assigned.

21 (e) *Administration of lottery prize assignment.* Upon receipt of a court order
22 issued under par. (c), the individual or organization to whom the lottery prize is
23 assigned shall provide a certified copy of the court order to the administrator. The
24 administrator shall acknowledge receipt of the court order in writing to the
25 individual or organization to whom the lottery prize is assigned and shall make all

1 lottery prize payments according to the terms specified in the court order. The
2 administrator may charge an initial processing fee, in an amount determined by
3 rule, to cover any costs associated with processing the lottery prize payments in
4 accordance with the terms specified in the court order.”.

5 **990.** Page 1404, line 15: after that line insert:

6 “**SECTION 3035m.** 610.70 (1) (e) of the statutes, as created by 1997 Wisconsin
7 Act 231, is amended to read:

8 610.70 (1) (e) “Medical care institution” means a facility, as defined in s. 647.01
9 (4), or any hospital, nursing home, community-based residential facility, county
10 home, county infirmary, county hospital, county mental health center, tuberculosis
11 sanatorium, adult family home, assisted living facility, rural medical center, hospice
12 or other place licensed, certified or approved by the department of health and family
13 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,
14 50.52, 50.90, 51.04, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a facility under s.
15 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county
16 department under s. 50.032 or 50.033.”.

17 **991.** Page 1404, line 15: after that line insert:

18 “**SECTION 3036f.** 609.795 of the statutes is created to read:

19 **609.795 Prohibiting denial of payment for certain procedures.** Limited
20 service health organizations, preferred provider plans and managed care plans are
21 subject to s. 632.872.”.

22 **992.** Page 1405, line 24: after that line insert:

23 “**SECTION 3044b.** 632.89 (2) (a) 2. of the statutes is amended to read:

1 632.89 (2) (a) 2. Except as provided in pars. (b) to (e), coverage of conditions
2 under subd. 1. by a policy may be subject to exclusions or limitations, including
3 deductibles and copayments, that are generally applicable to other conditions
4 covered under the policy.

5 **SECTION 3044c.** 632.89 (2) (b) 1. of the statutes is amended to read:

6 632.89 (2) (b) 1. Except as provided in subd. 2., if a group or blanket disability
7 insurance policy issued by an insurer provides coverage of inpatient hospital
8 treatment or outpatient treatment or both, the policy shall provide coverage in every
9 policy year as provided in pars. (c) to (dm), as appropriate, except that the total
10 coverage under the policy for a policy year need not exceed \$7,000 ~~or, if the coverage~~
11 ~~is provided by a health maintenance organization, as defined in s. 609.01 (2), the~~
12 equivalent benefits measured in services rendered.

13 **SECTION 3044e.** 632.89 (2) (c) 2. b. of the statutes is amended to read:

14 632.89 (2) (c) 2. b. Seven thousand dollars minus ~~a copayment of up to 10%~~ any
15 applicable cost sharing at the level charged under the policy for inpatient hospital
16 services ~~or, if the coverage is provided by a health maintenance organization, as~~
17 ~~defined in s. 609.01 (2), \$6,300~~ or the equivalent benefits measured in services
18 rendered ~~or, if the policy does not use cost sharing, \$6,300 in equivalent benefits~~
19 measured in services rendered.

20 **SECTION 3044ht.** 632.89 (2) (d) 2. of the statutes is amended to read:

21 632.89 (2) (d) 2. Except as provided in par. (b), a policy under subd. 1. shall
22 provide coverage in every policy year for not less than \$2,000 minus ~~a copayment of~~
23 ~~up to 10%~~ any applicable cost sharing at the level charged under the policy for
24 outpatient services ~~or, if the coverage is provided by a health maintenance~~
25 ~~organization, as defined in s. 609.01 (2), \$1,800~~ or the equivalent benefits measured

1 in services rendered or, if the policy does not use cost sharing, \$1,800 in equivalent
2 benefits measured in services rendered.

3 **SECTION 3044i.** 632.89 (2) (dm) 2. of the statutes is amended to read:

4 632.89 (2) (dm) 2. Except as provided in par. (b), a policy under subd. 1. shall
5 provide coverage in every policy year for not less than \$3,000 minus a copayment of
6 ~~up to 10%~~ any applicable cost sharing at the level charged under the policy for
7 transitional treatment arrangements or, if the coverage is provided by a health
8 maintenance organization, as defined in s. 609.01 (2), \$2,700 or the equivalent
9 benefits measured in services rendered or, if the policy does not use cost sharing,
10 \$2,700 in equivalent benefits measured in services rendered.”.

11 **993.** Page 1405, line 24: after that line insert:

12 “**SECTION 3044d.** 632.872 of the statutes is created to read:

13 **632.872 Prohibiting denial of payment for certain procedures. (1)** In
14 this section:

15 (a) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

16 (b) “Medicare Part B” means the federal supplementary medical insurance
17 program under 42 USC 1395j to 1395w-2.

18 (2) An insurer may not deny payment under a disability insurance policy or
19 group certificate for a medical or surgical service or procedure on the basis that the
20 service or procedure is an integral component of a 2nd medical or surgical service or
21 procedure unless, under medicare Part B, payment for the first service or procedure
22 is included in the payment for the 2nd service or procedure.”.

23 **994.** Page 1406, line 3: after that line insert:

24 “**SECTION 3044r.** 635.20 of the statutes is created to read:

1 **635.20 Coverage of health insurance mandates. (1)** Notwithstanding ss.
2 632.85, 632.87 (2), (3), (4) and (5), 632.89 and 632.895 (2), (3), (4), (5), (5m), (6), (7),
3 (8), (9), (10), (11), (12) and (13), and subject to sub. (2), a small employer insurer may
4 offer a small employer one or more group health benefit plans that do not include one
5 or more of the following coverages:

6 (a). Coverage related to treatment of an emergency medical condition, as
7 required under s. 632.85.

8 (b) Coverage of vision care provided by an optometrist, as required under s.
9 632.87 (2).

10 (c) Coverage of chiropractic services, as required under s. 632.87 (3).

11 (d) Coverage of the diagnosis and treatment of a condition by a dentist, as
12 required under s. 632.87 (4).

13 (e) Coverage of Papanicolaou tests performed by a nurse practitioner, as
14 required under s. 632.87 (5).

15 (f) Coverage of the treatment of alcoholism and nervous and mental disorders,
16 as required under s. 632.89.

17 (g) Coverage of home care, as required under s. 632.895 (2).

18 (h) Coverage of skilled nursing care, as required under s. 632.895 (3).

19 (i) Coverage of kidney disease treatment, as required under s. 632.895 (4).

20 (j) Coverage for a newly born child, as required under s. 632.895 (5).

21 (k) Coverage for a child of a covered child, as required under s. 632.895 (5m).

22 (L) Coverage of diabetes treatment, as required under s. 632.895 (6).

23 (m) Maternity coverage, as required under s. 632.895 (7).

24 (n) Coverage of mammograms, as required under s. 632.895 (8).

1 (o) Coverage of prescription medication for the treatment of human
2 immunodeficiency virus infection, as required under s. 632.895 (9).

3 (p) Coverage of blood lead tests for children, as required under s. 632.895 (10).

4 (q) Coverage of treatment for the correction of temporomandibular disorders,
5 as required under s. 632.895 (11).

6 (r) Coverage related to hospital or ambulatory surgery center charges and
7 anesthetics associated with dental care, as required under s. 632.895 (12).

8 (s) Coverage of breast reconstruction incident to a mastectomy, as required
9 under s. 632.895 (13).

10 **(2)** A small employer insurer shall offer to a small employer at least one group
11 health benefit plan that includes all of the coverages specified in sub. (1).

12 **SECTION 3044s.** 635.20 of the statutes, as created by 1999 Wisconsin Act
13 (this act), is repealed.”.

14 **995.** Page 1407, line 7: after that line insert:

15 “**SECTION 3048m.** 704.90 (5) (b) 1. b. of the statutes is repealed.

16 **SECTION 3048p.** 704.90 (6) (a) 4. of the statutes is amended to read:

17 704.90 **(6)** (a) 4. An advertisement of the sale is published ~~once a week for 2~~
18 ~~consecutive weeks~~ in a newspaper of general circulation where the self-service
19 storage facility is located.

20 **SECTION 3048t.** 704.90 (6) (a) 5. a. of the statutes is amended to read:

21 704.90 **(6)** (a) 5. a. A brief and general description of the personal property
22 reasonably adequate to permit its identification, as provided in the notices notice
23 under sub. (5) (b) 2.

24 **SECTION 3048w.** 704.90 (6) (a) 6. of the statutes is amended to read:

1 704.90 (6) (a) 6. The sale takes place not sooner than 15 days after the first
2 publication under subd. 4.”.

3 **996.** Page 1407, line 18: after that line insert:

4 “**SECTION 3049m.** 753.06 (8) (g) of the statutes is amended to read:

5 753.06 (8) (g) Waupaca County. The circuit has 2 branches. Commencing
6 August 1, 2000, the circuit has 3 branches.”.

7 **997.** Page 1407, line 18: after that line insert:

8 “**SECTION 3049m.** 707.46 (3) of the statutes is created to read:

9 707.46 (3) RECORDING. A contract for the purchase of a time–share and any
10 other instrument that is evidence of a purchase of a time–share is valid only if it is
11 recorded.”.

12 **998.** Page 1408, line 2: after that line insert:

13 “**SECTION 3050om.** 757.75 of the statutes is created to read:

14 **757.75 Court improvement program funding.** The supreme court and the
15 director of state courts may not expend any state funds for the purpose of matching
16 federal funds provided under the court improvement grant program allocation
17 authorized under 42 USC 670.”.

18 **999.** Page 1419, line 18: after that line insert:

19 “**SECTION 3072g.** 778.25 (1) (a) 4. of the statutes is repealed.”.

20 **1000.** Page 1426, line 12: after that line insert:

21 “**SECTION 3088a.** 813.16 (7) of the statutes is amended to read:

22 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
23 is a corporation supervised by the division of savings and loan institutions, home
24 loan bank board, U.S. office of thrift supervision, federal deposit insurance

1 corporation or resolution trust corporation, the court, unless the opposing party
2 objects, shall appoint an officer of such corporation as receiver to act without
3 compensation and to give such bond as the court requires.”.

4 **1001.** Page 1426, line 12: after that line insert:

5 “**SECTION 3088s.** 813.12 (8) (a) of the statutes is renumbered 813.12 (8) (a) 1.
6 and amended to read:

7 813.12 (8) (a) 1. ~~Whoever~~ Except as provided in subd. 2., whoever knowingly
8 violates a temporary restraining order or injunction issued under sub. (3) or (4) shall
9 be fined not more than \$1,000 or imprisoned for not more than 9 months or both.

10 **SECTION 3088t.** 813.12 (8) (a) 2. of the statutes is created to read:

11 813.12 (8) (a) 2. Whoever knowingly violates a temporary restraining order or
12 injunction issued under sub. (3) or (4) shall be imprisoned for not less than 5 days nor
13 more than 9 months and may be fined not more than \$1,000 if, at any time preceding
14 the violation, the person has been convicted of knowingly violating a temporary
15 restraining order or injunction issued under sub. (3) or (4). This subdivision applies
16 whether the person previously violated the same temporary restraining order or
17 injunction or a different temporary restraining order or injunction.”.

18 **1002.** Page 1427, line 4: after that line insert:

19 “**SECTION 3096c.** 814.61 (1) (e) of the statutes is created to read:

20 814.61 (1) (e) In addition to the fees under pars. (a) and (b), at the
21 commencement of a divorce action under s. 767.02 (1) (c), a fee of \$3. The clerk shall
22 pay the moneys collected to the county treasurer under s. 59.40 (2) (m). The county
23 treasurer shall pay those moneys to the state treasurer under s. 59.25 (3) (p) for

1 deposit in the general fund. The state treasurer shall credit all moneys received
2 under this paragraph to the appropriation account under s. 20.435 (3) (hm).

3 **SECTION 3096d.** 814.61 (1) (e) of the statutes, as created by 1999 Wisconsin Act
4 (this act), is repealed.”.

5 **1003.** Page 1431, line 11: after that line insert:

6 “**SECTION 3113g.** 895.48 (1m) (intro.) of the statutes, as affected by 1997
7 Wisconsin Acts 67 and 156, is amended to read:

8 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,
9 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
10 medical technician licensed under s. 146.50, physician assistant licensed under ch.
11 448, registered nurse licensed under ch. 441 or a massage therapist or bodyworker
12 issued a license of registration under subch. X of ch. 440 who renders voluntary
13 health care to a participant in an athletic event or contest sponsored by a nonprofit
14 corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001
15 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655
16 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that
17 care if all of the following conditions exist:

18 **SECTION 3113m.** 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin
19 Act 156, is amended to read:

20 895.48 (1m) (b) The physician, athletic trainer, chiropractor, dentist,
21 emergency medical technician, physician assistant, registered nurse, massage
22 therapist or bodyworker does not receive compensation for the health care, other
23 than reimbursement for expenses.”.

24 **1004.** Page 1431, line 11: after that line insert:

1 “**SECTION 3312m.** 891.455 (4) of the statutes is created to read:

2 891.455 (4) The presumption under sub. (2) for cancers caused by smoking or
3 tobacco product use shall not apply to any municipal fire fighter who smokes
4 cigarettes, as defined in s. 139.30 (1), or who uses a tobacco product, as defined in s.
5 139.75 (12), after January 1, 2001.”.

6 **1005.** Page 1431, line 11: after that line insert:

7 “**SECTION 3113m.** 895.58 of the statutes is created to read:

8 **895.58 Liability exemption; use of special waste under public works**
9 **contracts. (1)** In this section:

10 (a) “Department” means the department of natural resources.

11 (b) “Local governmental unit” means a political subdivision of this state, a
12 special purpose district in this state, an agency or corporation of such a political
13 subdivision or special purpose district, or a combination or subunit of any of the
14 foregoing.

15 (c) “Public works project” means any work done under contract to a state agency
16 or local governmental unit.

17 (d) “Special waste” means any solid waste which is characterized for beneficial
18 use in public works projects by the department of natural resources.

19 **(2)** The department may characterize a solid waste for beneficial use in public
20 works projects by rule, memorandum of understanding between itself and other
21 state agencies or local governmental units, or on a case-by-case basis. The
22 department shall compile and maintain a list of special wastes in a format readily
23 available to the general public and only those special wastes may be required to be
24 used in a public works project.

1 **(3)** Special waste, when used in a public works project, is not subject to
2 regulation as solid waste under ch. 289.

3 **(4)** A person is immune from liability for the use of special waste on a public
4 works project or for damages resulting from the person's actions or omissions
5 relating to the use of the special waste on a public works project if all of the following
6 apply:

7 (a) The acts or omissions by the person occurred while performing work under
8 a contract for a public works project including acts or omissions by any person who
9 has a direct contractual relationship with the prime contractor, as defined in s.
10 779.01 (2) (d), under a contract for a public works project to perform labor or furnish
11 materials.

12 (b) The acts or omissions involving the special wastes were required or
13 permitted in a contract for a public works project and the acts or omissions conformed
14 to the provisions of the contract.

15 **(5)** Subsection (4) does not apply to any person to whom either of the following
16 applies:

17 (a) The person's act or omission involved reckless, wanton or intentional
18 misconduct.

19 (b) The person's act or omission resulted in injury or death to an individual.”.

20 **1006.** Page 1431, line 11: after that line insert:

21 “**SECTION 3111m.** 895.035 (4) of the statutes is amended to read:

22 895.035 **(4)** Except for recovery under sub. (4a) or for retail theft under s.
23 943.51, the maximum recovery under this section from any parent or parents may
24 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any

1 one act of a juvenile in addition to taxable costs and disbursements and reasonable
2 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the
3 same parent or parents commit the same act the total recovery under this section
4 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs
5 and disbursements. The maximum recovery from any parent or parents for retail
6 theft by their minor child is established under s. 943.51.

7 **SECTION 3111t.** 895.035 (4a) of the statutes is created to read:

8 895.035 (4a) (a) The maximum recovery under this section by a school board
9 or a governing body of a private school from any parent or parents with custody of
10 a minor child may not exceed \$20,000 for damages resulting from any one act of the
11 minor child in addition to taxable costs and disbursements and reasonable attorney
12 fees, as determined by the court, for damages caused to the school board or the
13 governing body of a private school by any of the following actions of the minor child:

14 1. An act or threat that endangers the property, health or safety of persons at
15 the school or under the supervision of a school authority or that damages the
16 property of a school board or the governing body of a private school and that results
17 in a substantial disruption of a school day or a school activity.

18 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or
19 947.015.

20 (b) In addition to other recoverable damages, damages under par. (a) may
21 include the cost to the school board or the governing body of a private school in loss
22 of instructional time directly resulting from the action of the minor child under par.
23 (a).

24 (c) If 2 or more minor children in the custody of the same parent or parents are
25 involved in the same action under par. (a), the total recovery may not exceed \$20,000,

1 in addition to taxable costs, disbursements and reasonable attorney fees, as
2 determined by the court.

3 (d) If an insurance policy does not explicitly provide coverage for actions under
4 par. (a), the issuer of that policy is not liable for the damages resulting from those
5 actions.”.

6 **1007.** Page 1431, line 11: after that line insert:

7 “**SECTION 3113h.** 895.517 (1) (d) of the statutes is repealed.

8 **SECTION 3113i.** 895.517 (2) of the statutes is amended to read:

9 895.517 (2) Any person who donates or sells, at a price not exceeding overhead
10 and transportation costs, solid waste, or a material that is separated from mixed soil
11 waste, to a materials reuse program that is operated by a charitable organization,
12 or municipality or responsible unit is immune from civil liability for the death of or
13 injury to an individual or the damage to property caused by the solid waste or
14 material donated or sold by the person.”.

15 **1008.** Page 1431, line 22: after that line insert:

16 “**SECTION 3117d.** 938.02 (15g) of the statutes is amended to read:

17 938.02 (15g) “Secured child caring institution” means a child caring institution
18 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in
19 secure custody persons adjudged delinquent.

20 **SECTION 3118d.** 938.02 (15m) of the statutes is amended to read:

21 938.02 (15m) “Secured correctional facility” means a correctional institution
22 operated or contracted for by the department of corrections or operated by the
23 department of health and family services for holding in secure custody persons
24 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile

1 treatment center under s. 46.057, the facility at which the juvenile boot camp
2 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)
3 (b), 938.538 (4) (b) or 938.539 (5).

4 **SECTION 3119d.** 938.02 (15p) of the statutes is created to read:

5 938.02 (15p) “Secured group home” means a group home that is licensed under
6 s. 48.66 (1) (b) to hold in secure custody persons who have been convicted under s.
7 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m).

8 **SECTION 3120d.** 938.02 (17) of the statutes is amended to read:

9 938.02 (17) “Shelter care facility” means a nonsecure place of temporary care
10 and physical custody for juveniles, including a holdover room, licensed by the
11 department of health and family services under s. 48.66 (1) (a).

12 **SECTION 3123d.** 938.069 (1) (dj) of the statutes is amended to read:

13 938.069 (1) (dj) Provide aftercare services for a juvenile who has been released
14 from a secured correctional facility ~~or~~, a secured child caring institution or a secured
15 group home.

16 **SECTION 3124d.** 938.08 (3) (a) (intro.) of the statutes is amended to read:

17 938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
18 sub. (2), department personnel designated by the department ~~and~~, personnel of an
19 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between
20 the agency and the department and personnel of a county contracted with under s.
21 301.08 (1) (b) 4. designated by agreement between the county and the department
22 have the power of law enforcement authorities to take a juvenile into physical
23 custody under the following conditions:

24 **SECTION 3125d.** 938.08 (3) (a) 1. of the statutes is amended to read:

1 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away
2 from a secured correctional facility ~~or~~ a child caring institution or a secured group
3 home.

4 **SECTION 3126d.** 938.08 (3) (a) 2. of the statutes is amended to read:

5 938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional
6 facility ~~or~~ a child caring institution or a secured group home after any authorized
7 absence.

8 **SECTION 3127d.** 938.08 (3) (b) of the statutes is amended to read:

9 938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be
10 returned directly to the secured correctional facility ~~or~~ child caring institution or
11 secured group home and shall have a hearing regarding placement in a disciplinary
12 cottage or in disciplinary status in accordance with ch. 227.

13 **SECTION 3128d.** 938.17 (1) (c) of the statutes is amended to read:

14 938.17 (1) (c) If the court of civil or criminal jurisdiction orders the juvenile to
15 serve a period of incarceration of 6 months or more, that court shall petition the court
16 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
17 of the dispositions provided in s. 938.34, including placement of the juvenile in a
18 secured correctional facility, a secured child caring institution or a secured group
19 home under s. 938.34 (4m), if appropriate.

20 **SECTION 3130d.** 938.183 (1) (a) of the statutes is amended to read:

21 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
22 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional
23 facility, a secure detention facility ~~or~~ a secured child caring institution or a secured
24 group home or who has been adjudicated delinquent and who is alleged to have
25 committed a violation of s. 940.20 (2m).

1 **SECTION 3131d.** 938.208 (2) of the statutes is amended to read:

2 938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from
3 another state or has run away from a secured correctional facility, a secured child
4 caring institution or a secured group home and there has been no reasonable
5 opportunity to return the juvenile.

6 **SECTION 3132d.** 938.22 (title) of the statutes is amended to read:

7 **938.22 (title) Establishment of ~~secure detention facilities and shelter~~**
8 **~~care county or private juvenile facilities.~~**

9 **SECTION 3133d.** 938.22 (1) (a) of the statutes is amended to read:

10 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any
11 county may establish a secured group home or a secure detention facility in
12 accordance with ss. 301.36 and 301.37, the county boards of supervisors for 2 or more
13 counties may jointly establish a secure detention facility in accordance with ss. 46.20,
14 301.36 and 301.37 or the county boards of supervisors for 2 or more, but not more
15 than 5, counties may jointly establish a secured group home in accordance with ss.
16 46.20, 301.36 and 301.37. The county board of supervisors of any county may
17 establish a ~~secure detention facility or a shelter care facility or both~~ in accordance
18 with ss. 46.16 and 46.17 or the county boards of supervisors for 2 or more counties
19 may jointly establish a ~~secure detention facility or a shelter care facility or both~~ in
20 accordance with ss. 46.16, 46.17 and 46.20 and 301.36. A private entity may
21 establish a secure detention facility in accordance with ss. 301.36 and 301.37 and
22 contract with one or more county boards of supervisors under s. 938.222 for holding
23 juveniles in the private secure detention facility.

24 **SECTION 3134d.** 938.22 (1) (b) of the statutes is amended to read:

1 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less
2 than 500,000, the nonjudicial operational policies of a public secured group home,
3 secure detention facility or shelter care facility shall be determined by the county
4 board of supervisors or, in the case of a public secured group home, secure detention
5 facility or shelter care facility established by 2 or more counties, by the county boards
6 of supervisors for the 2 or more counties jointly. Those policies shall be executed by
7 the superintendent appointed under sub. (3) (a).

8 **SECTION 3135d.** 938.22 (1) (c) of the statutes is amended to read:

9 938.22 (1) (c) In counties having a population of 500,000 or more, the
10 nonjudicial operational policies of a public secured group home, secure detention
11 facility and the detention section of the children’s court center shall be established
12 by the county board of supervisors, and the execution thereof shall be the
13 responsibility of the director of the children’s court center.

14 **SECTION 3136d.** 938.22 (2) (a) of the statutes is amended to read:

15 938.22 (2) (a) Counties shall submit plans for the secured group home, secure
16 detention facility or juvenile portion of the county jail to the department of
17 corrections and submit plans for the shelter care facility to the department of health
18 and family services. A private entity that proposes to establish a secure detention
19 facility shall submit plans for the secure detention facility to the department of
20 corrections. The applicable department shall review the submitted plans. A county
21 or a private entity may not implement any such plan unless the applicable
22 department has approved the plan. The department of corrections shall promulgate
23 rules establishing minimum requirements for the approval of the operation of
24 secured group homes, secure detention facilities and the juvenile portion of county

1 jails. The plans and rules shall be designed to protect the health, safety and welfare
2 of the juveniles ~~in these~~ placed in those facilities.

3 **SECTION 3137d.** 938.22 (3) (a) of the statutes is amended to read:

4 938.22 (3) (a) In counties having a population of less than 500,000, public
5 secured group homes, secure detention facilities and public shelter care facilities
6 shall be in the charge of a superintendent. The county board of supervisors or, where
7 2 or more counties operate joint public secured group homes, secure detention
8 facilities or ~~public~~ shelter care facilities, the county boards of supervisors for the 2
9 or more counties jointly shall appoint the superintendent and other necessary
10 personnel for the care and education of the juveniles ~~in secure detention or shelter~~
11 care placed in those facilities, subject to par. (am) and to civil service regulations in
12 counties having civil service.

13 **SECTION 3138d.** 938.22 (3) (b) of the statutes is amended to read:

14 938.22 (3) (b) In counties having a population of 500,000 or more, the director
15 of the children's court center shall be in charge of and responsible for public secured
16 group homes, secure detention facilities, the secure detention section of the center
17 and the personnel assigned to this section, including a detention supervisor or
18 superintendent. The director of the children's court center may also serve as
19 superintendent of detention if the county board of supervisors so determines.

20 **SECTION 3139d.** 938.22 (7) (a) of the statutes is amended to read:

21 938.22 (7) (a) No person may establish a shelter care facility without first
22 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
23 operate a shelter care facility, a person must meet the minimum requirements for a
24 license established by the department of health and family services under s. 48.67,
25 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).

1 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until
2 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

3 **SECTION 3140d.** 938.22 (7) (b) of the statutes is amended to read:

4 938.22 (7) (b) Before the department of health and family services may issue
5 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility
6 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15
7 per juvenile, based on the number of juveniles that the shelter care facility is licensed
8 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66
9 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.
10 A new shelter care facility shall pay the fee under this paragraph by no later than
11 30 days before the opening of the shelter care facility.

12 **SECTION 3141d.** 938.22 (7) (c) of the statutes is amended to read:

13 938.22 (7) (c) A shelter care facility that wishes to continue a license issued
14 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation
15 date of the license or a new shelter care facility that fails to pay the fee under par.
16 (b) by 30 days before the opening of the shelter care facility shall pay an additional
17 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

18 **SECTION 3142d.** 938.23 (1) (a) of the statutes is amended to read:

19 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in
20 a secure detention facility shall be represented by counsel at all stages of the
21 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is
22 satisfied that the waiver is knowingly and voluntarily made and the court accepts
23 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured
24 correctional facility, a secured child caring institution or a secured group home,

1 transfer supervision of the juvenile to the department for participation in the serious
2 juvenile offender program or transfer jurisdiction over the juvenile to adult court.”.

3 **1009.** Page 1431, line 22: after that line insert:

4 “**SECTION 3130m.** 938.20 (8) of the statutes is amended to read:

5 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the
6 juvenile’s parent, guardian and legal custodian of the reasons for holding the juvenile
7 in custody and of the juvenile’s whereabouts unless there is reason to believe that
8 notice would present imminent danger to the juvenile. If a juvenile who has violated
9 the terms of aftercare supervision administered by the department or a county
10 department is held in custody, the intake worker shall also notify the department or
11 county department, whichever has supervision over the juvenile, of the reasons for
12 holding the juvenile in custody, of the juvenile’s whereabouts and of the time and
13 place of the detention hearing required under s. 938.21. The parent, guardian and
14 legal custodian shall also be notified of the time and place of the detention hearing
15 required under s. 938.21, the nature and possible consequences of that hearing, the
16 right to counsel under s. 938.23 regardless of ability to pay and the right to present
17 and cross-examine witnesses at the hearing. If the parent, guardian or legal
18 custodian is not immediately available, the intake worker or another person
19 designated by the court shall provide notice as soon as possible. When the juvenile
20 is alleged to have committed a delinquent act, the juvenile shall receive the same
21 notice about the detention hearing as the parent, guardian or legal custodian. The
22 intake worker shall notify both the juvenile and the juvenile’s parent, guardian or
23 legal custodian.

24 **SECTION 3131m.** 938.21 (3) (d) of the statutes is amended to read:

1 938.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian
2 or legal custodian shall be informed by the court of the allegations that have been
3 made or may be made, the nature and possible consequences of this hearing as
4 compared to possible future hearings, the right to counsel under s. 938.23 regardless
5 of ability to pay, the right to confront and cross-examine witnesses and the right to
6 present witnesses.

7 **SECTION 3142g.** 938.23 (2) of the statutes is created to read:

8 938.23 (2) (a) Whenever a juvenile is alleged to be in need of protection or
9 services under s. 938.13, any parent under 18 years of age who appears before the
10 court shall be represented by counsel; but no such parent may waive counsel.

11 (b) If a petition under s. 938.13 is contested, no juvenile may be placed outside
12 his or her home unless the nonpetitioning parent is represented by counsel at the
13 fact-finding hearing and subsequent proceedings. If the petition is not contested,
14 the juvenile may not be placed outside his or her home unless the nonpetitioning
15 parent is represented by counsel at the hearing at which the placement is made. A
16 parent who is required under this paragraph to be represented by counsel may,
17 however, waive counsel if the court is satisfied that such waiver is knowingly and
18 voluntarily made, and the court may place the juvenile outside the home even though
19 the parent was not represented by counsel.

20 **SECTION 3142m.** 938.23 (3) of the statutes is amended to read:

21 938.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings~~
22 ~~under s. 938.13, at~~ At any time, upon request or on its own motion, the court may
23 appoint counsel for the juvenile or any party, unless the juvenile or the party has or
24 wishes to retain counsel of his or her own choosing. ~~The court may not appoint~~
25 ~~counsel for any party other than the juvenile in a proceeding under s. 938.13.~~

1 **SECTION 3142p.** 938.23 (4) of the statutes is amended to read:

2 938.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
3 person juvenile has a right to be represented by counsel or is provided counsel at the
4 discretion of the court and counsel is not knowingly and voluntarily waived, the court
5 shall refer the person juvenile to the state public defender and counsel shall be
6 appointed by the state public defender under s. 977.08 without a determination of
7 indigency. In any situation under sub. (2) in which a parent 18 years of age or over
8 is entitled to representation by counsel; counsel is not knowingly and voluntarily
9 waived; and it appears that the parent is unable to afford counsel in full, or the parent
10 so indicates; the court shall refer the parent to the authority for indigency
11 determinations specified in s. 977.01 (1). In any other situation under this section
12 in which a person has a right to be represented by counsel or is provided counsel at
13 the discretion of the court, competent and independent counsel shall be provided and
14 reimbursed in any manner suitable to the court regardless of the person's ability to
15 pay, except that the court may not order a person who files a petition under s. 813.122
16 or 813.125 to reimburse counsel for the juvenile who is named as the respondent in
17 that petition.”.

18 **1010.** Page 1432, line 21: after that line insert:

19 “**SECTION 3142r.** 938.243 (1) (e) of the statutes is amended to read:
20 938.243 (1) (e) The right of the juvenile to counsel under s. 938.23.”.

21 **1011.** Page 1434, line 2: after that line insert:

22 “**SECTION 3148m.** 938.27 (4) (b) of the statutes is amended to read:
23 938.27 (4) (b) Advise the juvenile and any other party, if applicable, of his or
24 her right to legal counsel regardless of ability to pay.”.

1 **1012.** Page 1435, line 2: after that line insert:

2 “**SECTION 3151d.** 938.33 (3) (intro.) of the statutes is amended to read:

3 **938.33 (3)** CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
4 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~
5 ~~department or~~ a secured child caring institution or a secured group home shall be
6 in writing, except that the report may be presented orally at the dispositional
7 hearing if the juvenile and the juvenile’s counsel consent. A report that is presented
8 orally shall be transcribed and made a part of the court record. In addition to the
9 information specified under sub. (1) (a) to (d), the report shall include all of the
10 following:

11 **SECTION 3152d.** 938.33 (3) (a) of the statutes is amended to read:

12 **938.33 (3) (a)** A description of any less restrictive alternatives that are
13 available and that have been considered, and why they have been determined to be
14 inappropriate. If the judge has found that any of the conditions specified in s. 938.34
15 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative
16 than placement in a secured correctional facility ~~or~~ a secured child caring institution
17 or a secured group home is not appropriate.

18 **SECTION 3153d.** 938.33 (3r) of the statutes is amended to read:

19 **938.33 (3r)** SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been
20 adjudicated delinquent for committing a violation for which the juvenile may be
21 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
22 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
23 (3) or (4), if applicable, shall include an analysis of the juvenile’s suitability for
24 placement in the serious juvenile offender program under s. 938.34 (4h) or in a

1 secured correctional facility or a secured group home under s. 938.34 (4m), a
2 placement specified in s. 938.34 (3) or placement in the juvenile’s home with
3 supervision and community–based programming and a recommendation as to the
4 type of placement for which the juvenile is best suited.”.

5 **1013.** Page 1435, line 3: after that line insert:

6 “**SECTION 3155d.** 938.34 (4m) (intro.) of the statutes is amended to read:

7 **938.34 (4m) CORRECTIONAL PLACEMENT.** (intro.) Place the juvenile in a secured
8 correctional facility or a secured child caring institution under the supervision of the
9 department or in a secured group home under the supervision of a county
10 department if the juvenile is 12 years of age or over or, if the juvenile is under 12 years
11 of age, in a secured child caring institution under the supervision of the department
12 or in a secured group home under the supervision of a county department, unless the
13 department, after an examination under s. 938.50, determines that placement in a
14 secured correctional facility is more appropriate, but only if all of the following apply:

15 **SECTION 3156d.** 938.34 (4n) (intro.) of the statutes is amended to read:

16 **938.34 (4n) AFTERCARE SUPERVISION.** (intro.) Subject to s. 938.532 (3) and to any
17 arrangement between the department and a county department regarding the
18 provision of aftercare supervision for juveniles who have been released from a
19 secured correctional facility ~~or~~, a secured child caring institution or a secured group
20 home, designate one of the following to provide aftercare supervision for the juvenile
21 following the juvenile’s release from the secured correctional facility ~~or~~, secured child
22 caring institution or secured group home:

23 **SECTION 3157d.** 938.34 (4n) (b) of the statutes is amended to read:

1 938.34 (4n) (b) The county department of the county of the court that placed
2 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or
3 secured group home.”.

4 **1014.** Page 1435, line 8: after that line insert:

5 “**SECTION 3160d.** 938.34 (8d) (c) of the statutes is amended to read:

6 938.34 (8d) (c) If a juvenile placed in a secured correctional facility ~~or~~, a secured
7 child caring institution or a secured group home fails to pay the surcharge under par.
8 (a), the department shall assess and collect the amount owed from the juvenile’s
9 wages or other moneys. Any amount collected shall be transmitted to the state
10 treasurer.

11 **SECTION 3162d.** 938.345 (1) (a) of the statutes is amended to read:

12 938.345 (1) (a) Place the juvenile in the serious juvenile offender program, a
13 secured correctional facility ~~or~~, a secured child caring institution or a secured group
14 home.

15 **SECTION 3163d.** 938.355 (1) of the statutes is amended to read:

16 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
17 decide on a placement and treatment finding based on evidence submitted to the
18 court. The disposition shall employ those means necessary to promote the objectives
19 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated
20 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a
21 finding that the juvenile’s current residence will not safeguard the welfare of the
22 juvenile or the community due to the serious nature of the act for which the juvenile
23 was adjudicated delinquent. If the judge has determined that any of the conditions
24 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima

1 facie evidence that a less restrictive alternative than placement in a secured
2 correctional facility ~~or~~, a secured child caring institution or a secured group home is
3 not appropriate. If information under s. 938.331 has been provided in a court report
4 under s. 938.33 (1), the court shall consider that information when deciding on a
5 placement and treatment finding.

6 **SECTION 3164d.** 938.357 (3) of the statutes is amended to read:

7 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in
8 placement would involve placing a juvenile in a secured correctional facility ~~or in~~, a
9 secured child caring institution or a secured group home, notice shall be given as
10 provided in sub. (1). A hearing shall be held, unless waived by the juvenile, parent,
11 guardian and legal custodian, before the judge makes a decision on the request. The
12 juvenile shall be entitled to counsel at the hearing, and any party opposing or
13 favoring the proposed new placement may present relevant evidence and
14 cross-examine witnesses. The proposed new placement may be approved only if the
15 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
16 met.

17 **SECTION 3166d.** 938.357 (4g) (a) of the statutes is amended to read:

18 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
19 is placed in a secured correctional facility ~~or~~, a secured child caring institution or a
20 secured group home, or within 30 days after the date on which the department
21 requests the aftercare plan, whichever is earlier, the aftercare provider designated
22 under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare
23 provider designated under s. 938.34 (4n) is a county department, that county
24 department shall submit the aftercare plan to the department within the time limits

1 specified in this paragraph, unless the department waives those time limits under
2 par. (b).

3 **SECTION 3167d.** 938.357 (4g) (b) of the statutes is amended to read:

4 938.357 (4g) (b) The department may waive the time period within which an
5 aftercare plan must be prepared and submitted under par. (a) if the department
6 anticipates that the juvenile will remain in the secured correctional facility ~~or~~
7 secured child caring institution or secured group home for a period exceeding 8
8 months or if the juvenile is subject to s. 48.366 or 938.183. If the department waives
9 that time period, the aftercare provider designated under s. 938.34 (4n) shall prepare
10 the aftercare plan within 30 days after the date on which the department requests
11 the aftercare plan.

12 **SECTION 3168d.** 938.357 (4g) (d) of the statutes is amended to read:

13 938.357 (4g) (d) A juvenile may be released from a secured correctional facility
14 ~~or~~ a secured child caring institution or a secured group home whether or not an
15 aftercare plan has been prepared under this subsection.

16 **SECTION 3169d.** 938.357 (5) (e) of the statutes is amended to read:

17 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a
18 condition of aftercare supervision, the hearing examiner shall determine whether
19 confinement in a secured correctional facility ~~or~~ a secured child caring institution
20 or a secured group home is necessary to protect the public, to provide for the juvenile's
21 rehabilitation or to not depreciate the seriousness of the violation.

22 **SECTION 3170d.** 938.357 (5) (f) of the statutes is amended to read:

23 938.357 (5) (f) Review of a revocation decision shall be by certiorari to the court
24 by whose order the juvenile was placed in a secured correctional facility ~~or~~ a secured
25 child caring institution or a secured group home.

1 **SECTION 3171d.** 938.38 (3) (a) of the statutes is amended to read:

2 938.38 **(3)** (a) If the juvenile is alleged to be delinquent and is being held in a
3 secure detention facility, juvenile portion of a county jail or shelter care facility, and
4 the agency intends to recommend that the juvenile be placed in a secured
5 correctional facility ~~or~~, a secured child caring institution or a secured group home,
6 the agency is not required to submit the permanency plan unless the court does not
7 accept the recommendation of the agency. If the court places the juvenile in any
8 facility outside of the juvenile's home other than a secured correctional facility ~~or~~, a
9 secured child caring institution or a secured group home, the agency shall file the
10 permanency plan with the court within 60 days after the date of disposition.

11 **SECTION 3173d.** 938.51 (1) (intro.) of the statutes is amended to read:

12 938.51 **(1)** (intro.) At least 15 days prior to the date of release from a secured
13 correctional facility ~~or~~, a secured child caring institution or a secured group home of
14 a juvenile who has been adjudicated delinquent and at least 15 days prior to the
15 release from the supervision of the department or a county department of a juvenile
16 who has been adjudicated delinquent, the department or county department having
17 supervision over the juvenile shall make a reasonable attempt to do all of the
18 following:

19 **SECTION 3174d.** 938.51 (1m) of the statutes is amended to read:

20 938.51 **(1m)** The department or county department having supervision over a
21 juvenile described in sub. (1) shall determine the local agencies that it will notify
22 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
23 intended residence specified in the juvenile's aftercare supervision plan or, if those
24 methods do not indicate the community in which the juvenile will reside following
25 release from a secured correctional facility ~~or, from~~, a secured child caring institution

1 or a secured group home or from the supervision of the department or county
2 department, the community in which the juvenile states that he or she intends to
3 reside.

4 **SECTION 3175d.** 938.51 (4) (intro.) of the statutes is amended to read:

5 938.51 (4) (intro.) If a juvenile described in sub. (1), (1d) or (1g) escapes from
6 a secured correctional facility, child caring institution, secured group home,
7 inpatient facility, secure detention facility or juvenile portion of a county jail, or from
8 the custody of a peace officer or a guard of such a facility, institution, home or jail,
9 or has been allowed to leave a secured correctional facility, child caring institution,
10 secured group home, inpatient facility, secure detention facility or juvenile portion
11 of a county jail for a specified period of time and is absent from the facility, institution,
12 home or jail for more than 12 hours after the expiration of the specified period, as
13 soon as possible after the department or county department having supervision over
14 the juvenile discovers that escape or absence, that department or county department
15 shall make a reasonable attempt to notify by telephone all of the following persons:”.

16 **1015.** Page 1435, line 8: after that line insert:

17 **“SECTION 3171m.** 938.396 (9) of the statutes is amended to read:

18 938.396 (9) Notwithstanding sub. (2) (a), if a juvenile is adjudged delinquent
19 for committing a serious crime, as defined in s. 48.685 (7) ~~(a)~~ (1) (c), the court clerk
20 shall notify the department of justice of that fact. No other information from the
21 juvenile’s court records may be disclosed to the department of justice except by order
22 of the court. The department of justice may disclose any information provided under
23 this subsection only as part of a criminal history record search under s. 48.685 (2)
24 (am) 1. or (b) 1. a.”.

1 **1016.** Page 1436, line 16: after that line insert:

2 “**SECTION 3176m.** 938.983 (title) of the statutes is renumbered 254.92 (title)
3 and amended to read:

4 **254.92** (title) **Purchase or possession of cigarettes or tobacco products**
5 **by person under 18 prohibited.**

6 **SECTION 3176n.** 938.983 (1) of the statutes is repealed.

7 **SECTION 3176p.** 938.983 (2) (intro.), (a) and (c) of the statutes are consolidated,
8 renumbered 254.92 (2) (intro.) and amended to read:

9 254.92 **(2)** (intro.) ~~Except as provided in sub. (3), no No person under 18 years~~
10 ~~of age may do any of the following: (a) Buy or purchase, attempt to buy any cigarette~~
11 ~~or tobacco product. (c) Possess purchase or possess any cigarette or tobacco product.~~
12 except as follows:

13 **SECTION 3176q.** 938.983 (2) (b) of the statutes is renumbered 254.92 (1) and
14 amended to read:

15 254.92 **(1)** ~~Falsely No person under 18 years of age may falsely represent his~~
16 ~~or her age for the purpose of receiving any cigarette or tobacco product.~~

17 **SECTION 3176r.** 938.983 (3) of the statutes is renumbered 254.92 (2) (a) and
18 amended to read:

19 254.92 **(2)** (a) A person under 18 years of age may purchase or possess
20 cigarettes or tobacco products for the sole purpose of resale in the course of
21 employment during his or her working hours if employed by a retailer ~~licensed under~~
22 ~~s. 134.65 (1).~~

23 **SECTION 3176s.** 938.983 (4) of the statutes is renumbered 254.92 (3) and
24 amended to read:

1 254.92 (3) A law enforcement officer shall seize any cigarette or tobacco product
2 involved in any violation of sub. (2) committed in his or her presence that has been
3 sold to and is in the possession of a person under 18 years of age.

4 **SECTION 3176t.** 938.983 (5) of the statutes is repealed.”.

5 **1017.** Page 1436, line 16: after that line insert:

6 “**SECTION 3183d.** 938.57 (1) (c) of the statutes is amended to read:

7 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
8 care, including providing services for juveniles and their families in their own homes,
9 placing the juveniles in licensed foster homes, licensed treatment foster homes or
10 licensed group homes in this state or another state within a reasonable proximity to
11 the agency with legal custody or contracting for services for them by licensed child
12 welfare agencies or replacing them in juvenile secured correctional institutions or
13 facilities, secured child caring institutions or secured group homes in accordance
14 with rules promulgated under ch. 227, except that the county department may not
15 purchase the educational component of private day treatment programs unless the
16 county department, the school board as defined in s. 115.001 (7) and the state
17 superintendent of public instruction all determine that an appropriate public
18 education program is not available. Disputes between the county department and
19 the school district shall be resolved by the state superintendent of public instruction.

20 **SECTION 3184d.** 938.57 (4) of the statutes is amended to read:

21 938.57 (4) A county department may provide aftercare supervision under s.
22 938.34 (4n) for juveniles who are released from secured correctional facilities or
23 secured child caring institutions operated by the department or secured group
24 homes. If a county department intends to change its policy regarding whether the

1 county department or the department shall provide aftercare supervision for
2 juveniles released from secured correctional facilities ~~or~~ secured child caring
3 institutions ~~operated by the department~~ or secured group homes, the county
4 executive or county administrator, or, if the county has no county executive or county
5 administrator, the chairperson of the county board of supervisors, or, for multicounty
6 departments, the chairpersons of the county boards of supervisors jointly, shall
7 submit a letter to the department stating that intent before July 1 of the year
8 preceding the year in which the policy change will take effect.

9 **SECTION 3186d.** 938.78 (3) of the statutes is amended to read:

10 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
11 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
12 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
13 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
14 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
15 (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
16 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
17 correctional facility, child caring institution, secured group home, inpatient facility,
18 as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail,
19 or from the custody of a peace officer or a guard of such a facility, institution or jail,
20 or has been allowed to leave a secured correctional facility, child caring institution,
21 secured group home, inpatient facility, secure detention facility or juvenile portion
22 of a county jail for a specified time period and is absent from the facility, institution,
23 home or jail for more than 12 hours after the expiration of the specified period, the
24 department or county department having supervision over the juvenile may release
25 the juvenile's name and any information about the juvenile that is necessary for the

1 protection of the public or to secure the juvenile's return to the facility, institution,
2 home or jail. The department of corrections shall promulgate rules establishing
3 guidelines for the release of the juvenile's name or information about the juvenile to
4 the public.

5 **SECTION 3188d.** 939.635 (1) of the statutes is amended to read:

6 939.635 (1) Except as provided in sub. (2), if a person who has been adjudicated
7 delinquent is convicted of violating s. 940.20 (1) while placed in a secured correctional
8 facility, as defined in s. 938.02 (15m), a secure detention facility, as defined in s.
9 938.02 (16), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or a
10 secured group home, as defined in s. 938.02 (15p), or is convicted of violating s. 940.20
11 (2m), the court shall sentence the person to not less than 3 years of imprisonment.
12 Except as provided in sub. (2), if a person is convicted of violating s. 946.43 while
13 placed in a secured correctional facility, as defined in s. 938.02 (15m), a secure
14 detention facility, as defined in s. 938.02 (16), ~~or~~ a secured child caring institution,
15 as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),
16 the court shall sentence the person to not less than 5 years of imprisonment.

17 **SECTION 3189d.** 939.635 (2) (b) of the statutes is amended to read:

18 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
19 specified in sub. (1) is not necessary to deter the person or other persons from
20 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed
21 in a secured correctional facility, as defined in s. 938.02 (15m), a secure detention
22 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined
23 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from
24 committing violations of s. 940.20 (2m).”.

1 **1018.** Page 1436, line 16: after that line insert:

2 “**SECTION 3176m.** 940.295 (1) (q) of the statutes is repealed.

3 **SECTION 3176n.** 940.295 (2) (j) of the statutes is repealed and recreated to read:

4 940.295 (2) (j) The Wisconsin School for the Deaf under s. 115.52 and the
5 Wisconsin Center for the Blind and Visually Impaired under s. 115.525.”

6 **1019.** Page 1436, line 23: after that line insert:

7 “**SECTION 3191bd.** 945.03 of the statutes is renumbered 945.03 (1m), and
8 945.03 (1m) (intro.), as renumbered, is amended to read:

9 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
10 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
11 felony:

12 **SECTION 3191bf.** 945.03 (2m) of the statutes is created to read:

13 945.03 (2m) If the violation of sub. (1m) involves the possession, operation, set
14 up, collection of proceeds, participation in earnings or maintenance of, or involves
15 acting as the custodian of anything of value bet or offered to be bet on, not more than
16 5 video gambling machines on premises for which a Class “B” or “Class B” license or
17 permit has been issued under ch. 125, and the person has been penalized under this
18 subsection on 4 or fewer previous separate occasions, the person may be penalized
19 as follows:

20 (a) If the violation involves one video gambling machine, the person may be
21 required to forfeit not more than \$500.

22 (b) If the violation involves 2 video gambling machines, the person may be
23 required to forfeit not more than \$1,000.

1 (c) If the violation involves 3 video gambling machines, the person may be
2 required to forfeit not more than \$1,500.

3 (d) If the violation involves 4 video gambling machines, the person may be
4 required to forfeit not more than \$2,000.

5 (e) If the violation involves 5 video gambling machines, the person may be
6 required to forfeit not more than \$2,500.

7 **SECTION 3191bh.** 945.04 of the statutes is renumbered 945.04 (1m), and 945.04
8 (1m) (intro.), as renumbered, is amended to read:

9 945.04 (1m) (intro.) ~~Whoever~~ Except as provided in sub. (2m), whoever
10 intentionally does any of the following is guilty of a Class A misdemeanor:

11 **SECTION 3191bj.** 945.04 (2m) of the statutes is created to read:

12 945.04 (2m) If the violation of sub. (1m) involves the set up or use of not more
13 than 5 video gambling machines on premises for which a Class “B” or “Class B”
14 license or permit has been issued under ch. 125, and the person has been penalized
15 under this subsection on 4 or fewer previous separate occasions, the person may be
16 penalized as follows:

17 (a) If the violation involves one video gambling machine, the person may be
18 required to forfeit not more than \$500.

19 (b) If the violation involves 2 video gambling machines, the person may be
20 required to forfeit not more than \$1,000

21 (c) If the violation involves 3 video gambling machines, the person may be
22 required to forfeit not more than \$1,500.

23 (d) If the violation involves 4 video gambling machines, the person may be
24 required to forfeit not more than \$2,000

1 (e) If the violation involves 5 video gambling machines, the person may be
2 required to forfeit not more than \$2,500.

3 **SECTION 3191bm.** 945.041 (11) of the statutes is created to read:

4 945.041 (11) No proceeding under this section may be commenced to revoke a
5 Class “B” or “Class B” license or permit issued under ch. 125 to a person solely
6 because the person knowingly permits 5 or fewer video gambling machines to be set
7 up, kept, managed, used or conducted upon the licensed premises.

8 **SECTION 3191bn.** 945.05 (1) (intro.) of the statutes is amended to read:

9 945.05 (1) (intro.) ~~Whoever~~ Except as provided in sub. (1m), whoever
10 manufactures, transfers commercially or possesses with intent to transfer
11 commercially either of the following is guilty of a Class E felony:

12 **SECTION 3191bp.** 945.05 (1m) of the statutes is created to read:

13 945.05 (1m) If a violation of sub. (1) involves the commercial transfer of a video
14 gambling machine or possession of a video gambling machine with the intent to
15 transfer commercially, and the person has been penalized under this subsection on
16 4 or fewer previous separate occasions, the person is subject to a Class C forfeiture.”.

17 **1020.** Page 1439, line 7: after that line insert:

18 **“SECTION 3196m.** 946.82 (4) of the statutes is amended to read:

19 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
20 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
21 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
22 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
23 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
24 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20

1 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
2 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),
3 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,
4 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
5 (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,
6 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,
7 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05,
8 948.08, 948.12 and 948.30.”.

9 **1021.** Page 1439, line 7: after that line insert:

10 “**SECTION 3192d.** 946.42 (1) (a) of the statutes is amended to read:

11 946.42 (1) (a) “Custody” includes without limitation actual custody of an
12 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a
13 secured child caring institution, as defined in s. 938.02 (15g), a secured group home,
14 as defined in s. 938.02 (15p), a secure detention facility, as defined in s. 938.02 (16),
15 a Type 2 child caring institution, as defined in s. 938.02 (19r), or a juvenile portion
16 of a county jail, or of a peace officer or institution guard and constructive custody of
17 prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h)
18 or (4m) or 938.357 (4) or (5) (e) temporarily outside the institution whether for the
19 purpose of work, school, medical care, a leave granted under s. 303.068, a temporary
20 leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means,
21 without limitation, that of the sheriff of the county to which the prisoner was
22 transferred after conviction. It does not include the custody of a probationer, parolee
23 or person on extended supervision by the department of corrections or a probation,
24 extended supervision or parole officer or the custody of a person who has been

1 released to aftercare supervision under ch. 938 unless the person is in actual custody
2 or is subject to a confinement order under s. 973.09 (4).

3 **SECTION 3193d.** 946.44 (2) (c) of the statutes is amended to read:

4 946.44 (2) (c) “Institution” includes a secured correctional facility, as defined
5 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
6 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
7 institution, as defined in s. 938.02 (19r).

8 **SECTION 3194d.** 946.44 (2) (d) of the statutes is amended to read:

9 946.44 (2) (d) “Prisoner” includes a person who is under the supervision of the
10 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
11 correctional facility ~~or, a secured child caring institution or a secured group home~~
12 under s. ~~938.183,~~ 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
13 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
14 48.366.

15 **SECTION 3195d.** 946.45 (2) (c) of the statutes is amended to read:

16 946.45 (2) (c) “Institution” includes a secured correctional facility, as defined
17 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
18 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
19 institution, as defined in s. 938.02 (19r).

20 **SECTION 3196d.** 946.45 (2) (d) of the statutes is amended to read:

21 946.45 (2) (d) “Prisoner” includes a person who is under the supervision of the
22 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
23 correctional facility ~~or, a secured child caring institution or a secured group home~~
24 under s. ~~938.183,~~ 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2

1 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
2 48.366.”.

3 **1022.** Page 1439, line 7: after that line insert:

4 “**SECTION 3193s.** 947.017 of the statutes is created to read:

5 **947.017 Threat to cause death, bodily harm or property damage. (1)**

6 In this section, “governmental unit” means the United States, this state or one of its
7 political subdivisions, an instrumentality or corporation of any of the foregoing or a
8 combination or subunit of any of the foregoing.

9 **(2)** A person is guilty of a Class E felony if the person threatens to use a
10 dangerous weapon or explosives to cause death, bodily harm or property damage in
11 or on the premises of a structure owned, occupied or controlled by a governmental
12 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
13 defined in s. 108.02 (18).”.

14 **1023.** Page 1440, line 15: after that line insert:

15 “**SECTION 3201d.** 968.255 (7) (b) of the statutes is amended to read:

16 968.255 **(7) (b)** Is placed in or transferred to a secured correctional facility, as
17 defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02
18 (15g), or a secured group home, as defined in s. 938.02 (15p).”.

19 **1024.** Page 1445, line 15: delete the material beginning with that line and
20 ending with page 1446, line 10.

21 **1025.** Page 1447, line 2: delete “Forest,” and substitute “~~F~~orest,”.

22 **1026.** Page 1447, line 19: delete the material beginning with that line and
23 ending with page 1448, line 20.

24 **1027.** Page 1453, line 4: after that line insert:

1 **SECTION 3216d.** 980.015 (2) (b) of the statutes is amended to read:

2 980.015 **(2)** (b) The anticipated release from a secured correctional facility, as
3 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
4 (15g), or a secured group home, as defined in s. 938.02 (15p), of a person adjudicated
5 delinquent under s. 938.183 or 938.34 on the basis of a sexually violent offense.

6 **SECTION 3217d.** 980.02 (1) (b) 2. of the statutes is amended to read:

7 980.02 **(1)** (b) 2. The county in which the person will reside or be placed upon
8 his or her discharge from a sentence, release on parole or extended supervision, or
9 release from imprisonment, from a secured correctional facility, as defined in s.
10 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
11 from a secured group home, as defined in s. 938.02 (15p), or from a commitment order.

12 **SECTION 3218d.** 980.02 (2) (ag) of the statutes is amended to read:

13 980.02 **(2)** (ag) The person is within 90 days of discharge or release, on parole,
14 extended supervision or otherwise, from a sentence that was imposed for a conviction
15 for a sexually violent offense, from a secured correctional facility, as defined in s.
16 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
17 or from a secured group home, as defined in s. 938.02 (15p), if the person was placed
18 in the facility for being adjudicated delinquent under s. 938.183 or 938.34 on the
19 basis of a sexually violent offense or from a commitment order that was entered as
20 a result of a sexually violent offense.

21 **SECTION 3219d.** 980.02 (4) (am) of the statutes is amended to read:

22 980.02 **(4)** (am) The circuit court for the county in which the person will reside
23 or be placed upon his or her discharge from a sentence, release on parole or extended
24 supervision, or release from imprisonment, from a secured correctional facility, as
25 defined in s. 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in

1 s. 938.02 (15g), from a secured group home, as defined in s. 938.02 (15p), or from a
2 commitment order.

3 **SECTION 3220d.** 980.02 (4) (b) of the statutes is amended to read:

4 980.02 (4) (b) The circuit court for the county in which the person is in custody
5 under a sentence, a placement to a secured correctional facility, as defined in s.
6 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or
7 a secured group home, as defined in s. 938.02 (15p), or a commitment order.”.

8 **1028.** Page 1453, line 22: after that line insert:

9 “**SECTION 3222d.** 980.04 (1) of the statutes is amended to read:

10 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
11 the petition to determine whether to issue an order for detention of the person who
12 is the subject of the petition. The person shall be detained only if there is cause to
13 believe that the person is eligible for commitment under s. 980.05 (5). A person
14 detained under this subsection shall be held in a facility approved by the department.
15 If the person is serving a sentence of imprisonment, is in a secured correctional
16 facility, as defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined
17 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or is
18 committed to institutional care, and the court orders detention under this
19 subsection, the court shall order that the person be transferred to a detention facility
20 approved by the department. A detention order under this subsection remains in
21 effect until the person is discharged after a trial under s. 980.05 or until the effective
22 date of a commitment order under s. 980.06, whichever is applicable.”.

23 **1029.** Page 1459, line 24: after that line insert:

24 “**SECTION 3243a.** 992.21 of the statutes is created to read:

1 **992.21 Actions by division of savings and loan validated.** Any action
2 taken by the division of savings and loan between July 1, 1996, and the effective date
3 of this section [revisor inserts date], under the name of the division of savings
4 institutions has the same force and effect in all respects as if the action had been
5 taken under the name of the division of savings and loan.”.

6 **1030.** Page 1462, line 24: after that line insert:

7 “**SECTION 3261b.** 1997 Wisconsin Act 27, section 1664f is repealed.

8 **SECTION 3261c.** 1997 Wisconsin Act 27, section 2059f is repealed.”.

9 **1031.** Page 1464, line 3: after that line insert:

10 “**SECTION 3262g.** 1997 Wisconsin Act 27, section 9423 (9ptt) is repealed.”.

11 **1032.** Page 1469, line 14: after that line insert:

12 “(3d) DISTRICT ATTORNEY POSITION REALLOCATIONS.

13 (a) *Increased allocations.* Of the authorized FTE GPR assistant district
14 attorney positions for the department of administration funded from the
15 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
16 allocated to the following prosecutorial units shall be increased as follows: 1.0
17 position for Sauk County, to be assigned to serve Columbia, Marquette and Sauk
18 counties; and 0.5 position for La Crosse County.

19 (b) *Decreased allocations.* Of the authorized FTE GPR assistant district
20 attorney positions for the department of administration funded from the
21 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
22 allocated to the following prosecutorial units shall be decreased as follows: 1.25
23 positions for Milwaukee County; and 0.5 position for Columbia County.”.

24 **1033.** Page 1475, line 21: after that line insert:

1 “(11d) PILOT LITERACY PROGRAMS. In fiscal year 2000–01, the secretary of
2 administration shall allocate \$150,000 from the appropriation under section 20.505
3 (6) (pb) of the statutes to award grants on a competitive basis to 6 counties for pilot
4 literacy programs in jails or houses of corrections. To be eligible for a grant under
5 this subsection, a county must pay at least 25% of the total cost of its pilot literacy
6 program.”.

7 **1034.** Page 1477, line 24: delete the material beginning with that line and
8 ending with page 1478, line 8.

9 **1035.** Page 1478, line 20: delete the material beginning with that line and
10 ending with page 1479, line 5.

11 **1036.** Page 1479, line 19: delete the material beginning with that line and
12 ending with page 1480, line 10.

13 **1037.** Page 1480, line 25: after that line insert:

14 “(19v) SELLING AND TRANSFERRING RIGHTS TO TOBACCO LITIGATION FUNDS. The
15 department of administration shall study the idea of selling and transferring
16 Wisconsin’s rights to the moneys due to Wisconsin under the Attorneys General
17 Master Tobacco Settlement Agreement of November 23, 1998, for the purpose of
18 creating a permanent endowment fund. No later than January 1, 2000, the
19 department shall submit the study to the legislature in the manner provided under
20 section 13.172 (2) of the statutes.”.

21 **1038.** Page 1480, line 25: after that line insert:

22 “(20m) STUDY OF STATE-OWNED WATER PURIFICATION AND WASTEWATER TREATMENT
23 PLANTS. The department of administration shall study the feasibility and desirability
24 of selling, leasing or forming public–private partnerships to operate the water

1 purification and wastewater treatment plants owned by the state. The department
2 shall submit a report to the legislature concerning the options available to the state
3 with respect to such sale, leasing or operational agreements in the manner provided
4 under section 13.172 (2) of the statutes no later than December 31, 2000.”.

5 **1039.** Page 1481, line 7: delete lines 7 to 25 and substitute:

6 “(1g) PESTICIDE DATA BASE STUDY. During the 1999–2001 fiscal biennium, the
7 department of agriculture, trade and consumer protection shall conduct a study to
8 determine the feasibility of creating a data base that records the level of pesticide use
9 by farmers, other businesses, government and homeowners.”.

10 **1040.** Page 1481, line 25: after that line insert:

11 “(2m) FISH MICROBIOLOGIST. The authorized FTE positions for the department
12 of agriculture, trade and consumer protection are increased by 1.0 PR position, to be
13 funded from the appropriation under section 20.115 (2) (ha) of the statutes, to
14 perform fish microbiology.”.

15 **1041.** Page 1481, line 25: after that line insert:

16 “(3y) NURSERY REGULATION POSITION. The authorized FTE positions for the
17 department of agriculture, trade and consumer protection, funded from the
18 appropriation under section 20.115 (7) (ja) of the statutes, are decreased by 1.0 PR
19 position for the purpose of nursery regulation.”.

20 **1042.** Page 1482, line 9: after that line insert:

21 “(1m) MINNESOTA–WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT
22 WITHDRAWAL. The state of Wisconsin withdraws from the Minnesota–Wisconsin
23 boundary area commission and from the compact creating the commission under
24 chapter 274, laws of 1965. The governor of Wisconsin shall inform the governor of

1 Minnesota of this withdrawal no later than 10 days after the effective date of this
2 subsection.”.

3 **1043.** Page 1485, line 4: increase the dollar amount by \$5,531,900 and adjust
4 the appropriate totals accordingly.

5 **1044.** Page 1487, line 12: after that line insert (and adjust the appropriate
6 totals accordingly):

7 “Milwaukee Lakeshore State Park development 500,000

8 (Total project all funding sources \$1,000,000)”.

9 **1045.** Page 1487, line 16: after that line insert:

10 “3. *Projects funded by general fund supported borrowing*
11 *authority -- stewardship 2000 funds:*

12 Milwaukee Lakeshore State Park development 500,000

13 (Total project all funding sources \$1,000,000)”.

14 **1046.** Page 1491, line 17: delete lines 17 and 18 (and adjust the appropriate
15 totals accordingly).

16 **1047.** Page 1492, line 16: increase the dollar amount by \$1,400,000 and
17 adjust the appropriate totals accordingly.

18 **1048.** Page 1494, line 19: increase the dollar amount by \$1,750,000 and
19 adjust the appropriate totals accordingly.

20 **1049.** Page 1495, line 2: after that line insert (and adjust the appropriate
21 totals accordingly):

1	“(Lm) SWISS CULTURAL CENTER	
2	1. <i>Projects financed by general fund supported borrowing:</i>	
3	Swiss cultural center -- New Glarus	1,000,000
4	(Total project all funding sources \$6,000,000)	
5	2. <i>Projects financed by program revenue:</i>	
6	Swiss cultural center -- New Glarus	1,000,000
7	(Total project all funding sources \$6,000,000)	
8	3. <i>Projects financed by gifts, grants and other receipts:</i>	
9	Swiss cultural center -- New Glarus	4,000,000
10	(Total project all funding sources \$6,000,000)	
11	4. <i>Agency totals:</i>	
12	General fund supported borrowing	1,000,000
13	Program revenue	1,000,000
14	Gifts, grants and other receipts	<u>6,000,000</u>
15	Total -- All sources of funds	6,000,000”.

16 **1050.** Page 1500, line 12: after that line insert:

17 “(6g) SWISS CULTURAL CENTER. Notwithstanding section 13.48 (33) of the
18 statutes, as created by this act, the building commission shall not make a grant to
19 the organization known as the Swiss Cultural Center for the Swiss cultural center
20 project enumerated in subsection (1) (Lm) under section 13.48 (33) of the statutes,
21 as created by this act, unless the department of administration has reviewed and
22 approved the plans for the project. Notwithstanding sections 16.85 (1) and 16.855
23 (1) of the statutes, the department of administration shall not supervise any services

1 or work or let any contract for the project. Section 16.87 of the statutes does not apply
2 to the project.”.

3 **1051.** Page 1501, line 9: delete lines 9 to 15.

4 **1052.** Page 1501, line 21: after that line insert:

5 “(9g) MILWAUKEE LAKESHORE STATE PARK DEVELOPMENT. Notwithstanding
6 section 18.04 (2) of the statutes, as affected by this act, the building commission shall
7 not authorize public debt to be contracted from the appropriation under section
8 20.866 (2) (ta) of the statutes, as created by this act, for the development of
9 Milwaukee Lakeshore State Park, as authorized under sub. (1) (f) 3., prior to July
10 1, 2000.”.

11 **1053.** Page 1501, line 24: after that line insert:

12 “(1g) CIRCUIT COURT BRANCH, 2000. The initial election for circuit judge for
13 branch 3 of the circuit court for Waupaca County shall be at the spring election of
14 2000 for a term commencing August 1, 2000, and ending July 31, 2006.

15 (1h) CIRCUIT JUDGE POSITION. The authorized FTE positions for the circuit courts
16 are increased by 1.0 GPR circuit judge position on August 1, 2000, to be funded from
17 the appropriation under section 20.625 (1) (a) of the statutes, to provide an additional
18 circuit court judge for the circuit court branch for Waupaca County created by this
19 act.

20 (1i) COURT REPORTER POSITION. The authorized FTE positions for the circuit
21 courts are increased by 1.0 GPR court reporter position on August 1, 2000, to be
22 funded from the appropriation under section 20.625 (1) (a) of the statutes, to provide
23 one additional court reporter for the circuit court branch for Waupaca County created
24 by this act.”.

1 **1054.** Page 1507, line 12: after that line insert:

2 “(7b) COMMUNITY DEVELOPMENT BLOCK GRANT FOR WATER WELL.

3 (a) The department of commerce shall make a grant of \$299,000 in fiscal year
4 1999–2000, from the appropriation under section 20.143 (1) (n) of the statutes, to the
5 town of Rib Mountain for drilling a new water well.

6 (b) Within 6 months after spending the full amount of the grant, the town of
7 Rib Mountain shall submit to the department of commerce a report detailing how the
8 grant proceeds were spent.”.

9 **1055.** Page 1507, line 12: after that line insert:

10 “(7h) GRANT FOR SWISS CULTURAL CENTER.

11 (a) Subject to paragraph (b), from the appropriation under section 20.143 (1)
12 (km) of the statutes, as created by this act, the department of commerce shall make
13 a grant in fiscal biennium 1999–2001 to an organization known as the Swiss Cultural
14 Center for construction of a Swiss cultural center in the village of New Glarus.

15 (b) The amount of the grant under paragraph (a) may not exceed \$1,000,000.
16 For every dollar received from the state for the project under paragraph (a), the
17 organization shall provide \$2 in matching funds for the project from a source other
18 than the state.

19 (c) Within 6 months after spending the full amount of the grant under
20 paragraph (a), the organization shall submit to the department of commerce a report
21 detailing how the grant proceeds were used.”.

22 **1056.** Page 1507, line 12: after that line insert:

23 “(7n) ADMINISTRATION OF MOBILE HOMES.

1 (a) The authorized FTE positions for the department of commerce are
2 decreased by 1.6 PR positions funded from the appropriation under section 20.143
3 (3) (j) of the statutes, as affected by this act, for the purpose of administering
4 subchapter V of chapter 101 of the statutes, as affected by this act.

5 (b) The authorized FTE positions for the department of commerce are increased
6 by 1.6 SEG positions, to be funded from the appropriation under section 20.143 (3)
7 (sa) of the statutes, as created by this act, for the purpose of administering
8 subchapter V of chapter 101 of the statutes, as affected by this act.”.

9 **1057.** Page 1508, line 13: delete the material beginning with that line and
10 ending with page 1509, line 22.

11 **1058.** Page 1511, line 12: after that line insert:

12 “(4xx) CAREGIVER CRIMINAL BACKGROUND CHECKS. The department of corrections,
13 in conjunction with the University of Wisconsin–Madison, shall prepare a report on
14 the correlation between prior convictions and the propensity to commit future acts
15 of abuse, neglect or misappropriation. The department of corrections shall submit
16 the report to the legislature in the manner provided under section 13.172 (3) of the
17 statutes no later than June 30, 2001.”.

18 **1059.** Page 1511, line 12: after that line insert:

19 “(6e) COMPUTER RECYCLING PROGRAM. The authorized FTE positions for the
20 department of corrections are increased by 4.0 SEG project positions for the period
21 ending on June 30, 2001, to be funded from the appropriation under section 20.410
22 (1) (qm) of the statutes, as created by this act, for the purpose of the department’s
23 computer recycling program.”.

24 **1060.** Page 1511, line 17: after that line insert:

1 “(1g) PRIVATE EMPLOYER HEALTH CARE COVERAGE BOARD. Notwithstanding the
2 length of terms specified for the members of the private employer health care
3 coverage board under section 15.165 (5) of the statutes, as created by this act, the
4 initial members shall be appointed for the following terms:

5 (a) The members specified under section 15.165 (5) (a) 1., 3. and 7. of the
6 statutes, as created by this act, for terms expiring on May 1, 2002.

7 (b) The members specified under section 15.165 (5) (a) 2., 5. and 8. of the
8 statutes, as created by this act, for terms expiring on May 1, 2003.

9 (c) The members specified under section 15.165 (5) (a) 4. and 6. of the statutes,
10 as created by this act, for terms expiring on May 1, 2004.

11 (2) POSITION AUTHORIZATIONS FOR THE DEPARTMENT OF EMPLOYE TRUST FUNDS. The
12 authorized FTE positions for the department of employe trust funds are increased
13 by 3.5 GPR positions on the effective date of this subsection, to be funded from the
14 appropriation under section 20.515 (2) (a) of the statutes, as created by this act, for
15 the purpose of designing and contracting for administrative services for the private
16 employer health care coverage program under subchapter X of chapter 40 of the
17 statutes, as created by this act.

18 (3) GRANT FOR ADMINISTRATION OF PROGRAM.

19 (a) In this subsection:

20 1. “Administrator” means the administrator selected by the department under
21 section 40.98 (2) (a) 2. of the statutes, as created by this act.

22 2. “Department” means the department of employe trust funds.

23 3. “Secretary” means the secretary of employe trust funds.

24 (b) The department shall make a grant of \$200,000 from the appropriation
25 under section 20.515 (2) (b) of the statutes, as created by this act, to the administrator

1 for costs associated with administering the health care coverage plans under the
2 program under subchapter X of chapter 40 of the statutes, as created by this act, if
3 all of the following apply:

4 1. The administrator submits a plan to the department detailing the proposed
5 use of the grant and the secretary approves the plan.

6 2. The administrator enters into a written agreement with the department that
7 specifies the conditions for use of the grant proceeds, including reporting and
8 auditing requirements.

9 3. The administrator agrees in writing to submit to the department the report
10 required under paragraph (c) by the time required under paragraph (c).

11 (c) If the administrator receives a grant under this subsection, the
12 administrator shall submit to the department, within 6 months after spending the
13 full amount of the grant, a report detailing how the grant proceeds were used.”.

14 **1061.** Page 1511, line 21: after that line insert:

15 “(1w) TRAINING PROGRAMS. The authorized FTE positions for the department
16 of employment relations are increased by 0.5 PR position, to be funded from the
17 appropriation under section 20.512 (1) (jm) of the statutes, for the purpose of
18 providing training services.”.

19 **1062.** Page 1511, line 23: after that line insert:

20 “(1g) EMERGENCY RULE-MAKING AUTHORITY. Using the procedure under section
21 227.24 of the statutes, the division of banking shall promulgate rules required under
22 chapter 222 of the statutes, as created by this act, for the period before permanent
23 rules become effective, but not to exceed the period authorized under section 227.24
24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the

1 statutes, the division of banking need not provide evidence of the necessity of
2 preservation of the public peace, health, safety or welfare in promulgating rules
3 under this subsection.”.

4 **1063.** Page 1511, line 23: after that line insert:

5 “(2z) SUBMISSION OF PROPOSED RULES GOVERNING REGISTRATION OF
6 RENTAL-PURCHASE COMPANIES. No later than the first day of the 3rd month beginning
7 after publication, the department of financial institutions shall submit in proposed
8 form the rules governing registration of rental-purchase companies under section
9 435.301 of the statutes, as created by this act, to the legislative council staff under
10 section 227.15 (1) of the statutes.”.

11 **1064.** Page 1519, line 13: delete that line and substitute:

12 “(8x) HEALTH CARE INFORMATION PROPOSAL.

13 (a) By June 30, 2001, the department of”.

14 **1065.** Page 1519, line 16: after “activities” insert “, except as provided in
15 paragraph (b),”.

16 **1066.** Page 1520, line 2: after “administration” insert “, as authorized under
17 current law”.

18 **1067.** Page 1520, line 7: after “committee” insert “and as authorized under
19 current law”.

20 **1068.** Page 1520, line 7: after that line insert:

21 “(b) By June 30, 2000, the department of health and family services, the
22 subunit of the department of employe trust funds that deals with health care
23 financing and the office of the commissioner of insurance shall together develop a
24 proposal for consolidation of voluntarily provided health plan data collected by those

1 agencies and a detailed memorandum of understanding for implementing the
2 proposal. If the proposal is acceptable to each agency, the secretary of health and
3 family services, the secretary of employe trust funds and the commissioner of
4 insurance shall sign the memorandum of understanding and submit the proposal,
5 the memorandum of understanding, a report concerning any potential cost savings
6 from the consolidated collection of voluntarily provided health plan data and any
7 proposed legislation required to implement the proposal to the department of
8 administration. The department of administration may approve, disapprove or
9 modify and approve any proposal it receives under this paragraph. If the department
10 of administration approves the proposal, the department shall submit the proposal,
11 together with any modifications the memorandum of understanding, the report and
12 any proposed legislation to the cochairpersons of the joint committee on finance. If
13 the cochairpersons of the committee do not notify the secretary of administration
14 within 14 working days after receiving the proposal that the cochairpersons have
15 scheduled a meeting for the purpose of reviewing the proposal, the department of
16 administration may approve any proposed expenditure and position authority
17 contained in the proposal and any modifications of the proposal to the extent
18 authorized under current law. If, within 14 working days after receiving the
19 proposal, the cochairpersons notify the secretary of administration that the
20 cochairpersons have scheduled a meeting for the purpose of reviewing the proposal,
21 the department of administration may not approve the proposed expenditure and
22 position authority contained in the proposal any proposed modifications of the
23 proposal, except as approved by the committee and to the extent authorized under
24 current law. If the proposal, as approved by the department of administration and
25 the committee, if the committee approves the proposal, is not consistent with the

1 memorandum of understanding, the department of health and human services, the
2 subunit of the department of employe trust funds and the commissioner of insurance
3 shall enter into a revised memorandum of understanding that is consistent with the
4 approved proposal.”.

5 **1069.** Page 1526, line 5: after that line insert:

6 “(14d) COMMUNITY MARRIAGE POLICY PROJECT. The authorized FTE positions for
7 the department of health and family services are increased by 1.0 PR project position,
8 to be funded from the appropriation under section 20.435 (3) (hm) of the statutes, as
9 created by this act, for the period beginning on the later of October 1, 1999, or the first
10 day of the 2nd month beginning after the effective date of this subsection, and ending
11 on September 30, 2003. The positions are increased under this subsection for the
12 purpose of coordinating the development of, and assisting local members of the clergy
13 to develop, community-wide standards for marriages solemnized in this state by
14 members of the clergy.”.

15 **1070.** Page 1526, line 5: after that line insert:

16 “(13c) MANAGED CARE PILOT PROGRAM FOR CHILDREN IN OUT-OF-HOME CARE IN
17 MILWAUKEE COUNTY. The department of health and family services shall develop a
18 pilot program that integrates the social, behavioral and physical health needs of
19 children placed in out-of-home care in Milwaukee County who are medical
20 assistance recipients under a managed care system. By January 1, 2001, the
21 department of health and family services shall request from the secretary of the
22 federal department of health and human services any waivers of the federal medical
23 assistance statutes and regulations that are necessary to implement the pilot
24 program developed under this subsection as part of the medical assistance program.

1 If all necessary waivers are granted and in effect, the department shall implement
2 the pilot program developed under this subsection in Milwaukee County. Under that
3 pilot program, the department of health and family services may require, consistent
4 with section 49.45 (9) of the statutes, a child who is placed in out-of-home care in
5 Milwaukee County to be enrolled in a managed care plan as a condition of receiving
6 medical assistance. Of the amounts appropriated to the department of health and
7 family services under section 20.435 (4) (n) of the statutes, as created by this act, that
8 department shall expend \$22,600 in fiscal year 1999–2000 and \$25,600 in fiscal year
9 2000–01 to increase the authorized FTE positions for that department by 0.5 FED
10 project position, for the period ending on June 30, 2001, for the purpose of developing
11 the pilot program under this subsection.”.

12 **1071.** Page 1526, line 5: after that line insert:

13 “(11w) INDEPENDENT LIVING CENTER ADMINISTRATIVE AND START-UP COSTS. From
14 the appropriation under section 20.435 (7) (c) of the statutes, the department of
15 health and family services shall distribute \$80,000 in state fiscal year 1999–2000 to
16 Choices for Independent Living, Inc., for administrative staff and general office
17 start-up costs for operating an independent living center for southwestern
18 Wisconsin.”.

19 **1072.** Page 1526, line 5: after that line insert:

20 “(12x) INITIAL APPOINTMENTS OF PRIVACY INSTITUTIONAL REVIEW BOARD.
21 Notwithstanding the length of terms specified in section 15.195 (9) (intro.) of the
22 statutes, as created by this act, the initial members of the privacy institutional
23 review board shall be appointed by the first day of the 4th month beginning after the
24 effective date of this subsection for the following terms:

1 (a) The purchaser of health care, for a term expiring on May 1, 2001.

2 (b) The medical ethicist and the privacy expert, for terms expiring on May 1,
3 2003.

4 (c) The statistician or researcher, for a term expiring on May 1, 2005.”.

5 **1073.** Page 1526, line 5: after that line insert:

6 “(14e) PRIMARY HEALTH CARE. In state fiscal year 1999–2000, in addition to the
7 moneys appropriated for expenditure for that fiscal year, the department of health
8 and family services shall expend for the purchase of primary health care services
9 under section 146.93 of the statutes, as affected by this act, \$300,000 of the
10 unencumbered balance as of June 30, 1999, in the appropriation under section
11 20.435 (4) (gp) of the statutes, as affected by this act.”.

12 **1074.** Page 1527, line 15: after that line insert:

13 “(2e) GAMING LAW ENFORCEMENT POSITION AUTHORIZATION. The authorized FTE
14 positions for the department of justice are increased by 2.75 GPR positions to be
15 funded from the appropriation under section 20.455 (2) (fm) of the statutes, as
16 created by this act, for the purpose of gaming law enforcement.”.

17 **1075.** Page 1527, line 15: after that line insert:

18 “(4eh) TELECOMMUNICATIONS POSITIONS. The authorized FTE positions for the
19 department of justice are decreased by 1.0 PR attorney position funded from the
20 appropriation under section 20.455 (1) (kt) of the statutes, as affected by this act.”.

21 **1076.** Page 1529, line 16: delete “2000” and substitute “2001”.

22 **1077.** Page 1529, line 20: delete “2001” and substitute “2002”.

23 **1078.** Page 1530, line 18: after “care.” insert “The evaluation shall compare
24 the costs of care in a nursing home, as defined in section 50.01 (3) of the statutes, to

1 the costs of care in a community setting and shall provide a breakdown of individual
2 costs involved.”.

3 **1079.** Page 1530, line 23: after that line insert:

4 “(4c) GRADUATE MEDICAL EDUCATION STUDY. The joint legislative council is
5 requested to conduct a study to explore funding sources alternative to assessments
6 imposed on hospitals to support the training of providers that serve medical
7 assistance recipients or practice in areas of the state that have a shortage of health
8 care providers. If the joint legislative council conducts the study, it shall report its
9 findings, conclusions and recommendations to the legislature in the manner
10 provided under section 13.172 (2) of the statutes by January 1, 2001.”.

11 **1080.** Page 1531, line 11: after that line insert:

12 “(2e) BADGER CHALLENGE PROGRAM. The authorized FTE positions for the
13 department of military affairs are increased by 0.90 GPR position, to be funded from
14 the appropriation under section 20.465 (4) (b) of the statutes, and 0.10 PR position,
15 to be funded from the appropriation under section 20.465 (4) (k) of the statutes, for
16 a mentorship coordinator in the Badger Challenge program. In 2000–01 the
17 authorized FTE positions for the department of military affairs are decreased by 0.15
18 GPR position and increased by 0.15 PR position to reflect modified funding of the
19 mentorship coordinator position.”.

20 **1081.** Page 1537, line 20: after that line insert:

21 “(8) MEMORANDUM OF UNDERSTANDING FOR CONTAMINATED TRANSPORTATION
22 CONSTRUCTION ZONES. Not later than January 1, 2000, the secretary of natural
23 resources and the secretary of transportation jointly shall submit to the secretary of
24 administration a memorandum of understanding between the department of

1 natural resources and the department of transportation. The memorandum of
2 understanding shall establish the respective responsibilities of the department of
3 natural resources and the department of transportation for hazardous substances
4 discovered on any property under the jurisdiction of the department of
5 transportation. Any actions to restore the environment or to minimize the harmful
6 effects of the hazardous substances on the property shall be based upon the risk to
7 public health and the environment and shall, to the greatest extent practicable, rely
8 on natural processes of attenuation without human intervention. The memorandum
9 of understanding shall establish a means of resolving disputes between the agencies
10 arising under the memorandum of understanding. The memorandum of
11 understanding does not take effect unless the secretary of administration approves
12 of it in writing to the secretary of natural resources and the secretary of
13 transportation.”.

14 **1082.** Page 1538, line 17: delete “(br) of the statutes, as affected” and
15 substitute “(bt) of the statutes, as created”.

16 **1083.** Page 1538, line 24: after that line insert:

17 “(9b) MATCHING GRANTS FOR WHEELCHAIR RECYCLING PROJECT. From the
18 appropriation account under section 20.370 (6) (bt) of the statutes, as created by this
19 act, the department of natural resources shall award the following grants to the
20 Wheelchair Recycling Project, a part of the Madison chapter of the National Spinal
21 Cord Injury Association, for the purpose of opening a facility in Milwaukee for
22 refurbishing used wheelchairs and other mobility devices and returning them to use
23 by persons who otherwise would not have access to needed or appropriate equipment:

1 (a) On June 15, 2000, \$100,000, if the project raises \$100,000 for this purpose
2 from any source by June 15, 2000.

3 (b) On June 15, 2001, \$100,000, if the project raises \$100,000 for this purpose
4 from any source by June 15, 2001, in addition to the \$100,000 required under
5 paragraph (a).”.

6 **1084.** Page 1540, line 20: after that line insert:

7 “(10jm) MAZOMANIE UNIT CLOSURE. If section 30.475 (2) of the statutes, as
8 created by this act, takes effect before September 15, 1999, the department of natural
9 resources shall close the Mazomanie unit for the year 1999 beginning on the effective
10 date of this subsection and ending on September 15, 1999.”.

11 **1085.** Page 1541, line 2: after that line insert:

12 “(10v) ADMINISTRATIVE FUNDING LIMIT. The department of natural resources
13 shall, on or before April 1, 2000, request that the joint committee on finance change
14 the authorized level of full-time equivalent positions in the department, or portions
15 of those positions, and transfer funds between appropriations as a result of the
16 expenditure limit imposed under section 25.29 (3m) of the statutes, as created by this
17 act. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not
18 required to find that an emergency exists before acting upon any such request.”.

19 **1086.** Page 1541, line 3: delete lines 3 to 10.

20 **1087.** Page 1541, line 10: after that line insert:

21 “(10z) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. The department of
22 natural resources shall set aside in fiscal year 1999–2000, from the appropriation
23 under section 20.370 (5) (cq) of the statutes, as affected by this act, \$300,000 for the
24 Southeastern Wisconsin Fox River commission. The commission may use these

1 funds for its activities authorized under subchapter VI of chapter 33 of the statutes
2 and for providing matching funding for any grants that the commission may be able
3 to obtain. This subsection does not apply after June 30, 2001.”.

4 **1088.** Page 1541, line 10: after that line insert:

5 “(11m) USE OF TRUST FUND. The department of natural resources may not direct
6 that any funds in the trust fund established under the case of *State v. Menard, Inc.*,
7 Eau Claire County Circuit Court case number 97 CF 657, be used to provide grants
8 for municipal household hazardous waste disposal programs. The department shall
9 ensure that any funds remaining in the trust fund on December 31, 2002, are paid
10 into the common school fund.”.

11 **1089.** Page 1542, line 9: delete lines 9 to 13.

12 **1090.** Page 1542, line 13: after that line insert:

13 “(2g) AGRICULTURAL EDUCATION CONSULTANT. The authorized FTE positions for
14 the department of public instruction, funded from the appropriation under section
15 20.255 (1) (q) of the statutes, are increased by 1.0 SEG position for an agricultural
16 education consultant.”.

17 **1091.** Page 1542, line 13: after that line insert:

18 “(2c) TRANSITION PLAN; WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED.
19 The state superintendent of public instruction shall prepare a transition plan that
20 sets forth specific funding and staffing recommendations for the operation of the
21 Wisconsin Center for the Blind and Visually Impaired and describe the appropriate
22 steps for phasing in the appropriate program modifications. The state
23 superintendent shall consult with the blind and visual impairment education council
24 in the preparation of the plan. The blind and visual impairment education council

1 shall review the plan. The state superintendent shall submit the plan to the
2 governor no later than the first day of the 7th month beginning after the effective
3 date of this subsection. The state superintendent shall also simultaneously submit
4 a copy of the plan to the legislature in the manner provided under section 13.172 (2)
5 of the statutes.

6 (2cc) BLIND AND VISUAL IMPAIRMENT EDUCATION COUNCIL. Notwithstanding the
7 length of term specified in section 15.377 (1) (c) of the statutes, as affected by this act,
8 the initial members of the blind and visual impairment education council appointed
9 under section 15.377 (1) (c) 4. and 7. of the statutes, as affected by this act, one of the
10 members appointed under section 15.377 (1) (c) 1. of the statutes, as affected by this
11 act, one of the members appointed under section 15.377 (1) (c) 2. of the statutes, as
12 affected by this act, one of the members appointed under section 15.377 (1) (c) 3. of
13 the statutes, as affected by this act, and one of the members appointed under section
14 15.377 (1) (c) 9. of the statutes, as affected by this act, shall serve for terms expiring
15 on July 1, 2000; the initial members appointed under section 15.377 (1) (c) 5. and 8.
16 of the statutes, as affected by this act, one of the members appointed under section
17 15.377 (1) (c) 1. of the statutes, as affected by this act, one of the members appointed
18 under section 15.377 (1) (c) 2. of the statutes, as affected by this act, one of the
19 members appointed under section 15.377 (1) (c) 3. of the statutes, as affected by this
20 act, and one of the members appointed under section 15.377 (1) (c) 9. of the statutes,
21 as affected by this act, shall serve for terms expiring on July 1, 2001, and the initial
22 member appointed under section 15.377 (1) (c) 6. of the statutes, as affected by this
23 act, one of the members appointed under section 15.377 (1) (c) 1. of the statutes, as
24 affected by this act, one of the members appointed under section 15.377 (1) (c) 2. of
25 the statutes, as affected by this act, one of the members appointed under section

1 15.377 (1) (c) 3. of the statutes, as affected by this act, and one of the members
2 appointed under section 15.377 (1) (c) 9. of the statutes, as affected by this act, shall
3 serve for terms expiring on July 1, 2002.”.

4 **1092.** Page 1542, line 13: after that line insert:

5 “(3x) RESIDENTIAL SCHOOL PLANNING GRANT.

6 (a) Notwithstanding section 118.153 (4) (b) of the statutes, the department of
7 public instruction shall withhold from the school board of the school district
8 operating under chapter 119 of the statutes \$100,000 of the amount to which the
9 school board is entitled under that section in the 1999–2000 fiscal year.

10 (b) From the appropriation under section 20.255 (2) (bc) of the statutes, as
11 affected by this act, the department of public instruction shall award a grant of
12 \$100,000 to the Foundation of Schools for Educational Evolution and Development
13 for the purpose of planning a residential school in southeastern Wisconsin.”.

14 **1093.** Page 1544, line 8: after that line insert:

15 “(2mm) COUNCIL ON RAILROAD GRADE CROSSINGS. The commissioner of railroads
16 shall appoint the initial members of the council on railroad grade crossings under
17 section 15.467 (5) of the statutes, as created by this act, within 45 days after the
18 effective date of this subsection.”.

19 **1094.** Page 1544, line 21: after that line insert:

20 “(2t) INITIAL APPOINTMENTS TO THE ATHLETIC TRAINERS AFFILIATED CREDENTIALING
21 BOARD.

22 (a) Notwithstanding section 15.406 (4) of the statutes, as created by this act,
23 the initial athletic trainer members of the athletic trainers affiliated credentialing
24 board need not be licensed under subchapter VI of chapter 448 of the statutes, as

1 created by this act, to be appointed to and serve as members of the affiliated
2 credentialing board until the first day of the 13th month beginning after the effective
3 date of this paragraph.

4 (b) Notwithstanding section 15.406 (4) of the statutes, as created by this act,
5 the initial members of the athletic trainers affiliated credentialing board shall be
6 appointed by the first day of the 4th month beginning after the effective date of this
7 paragraph for the following terms:

8 1. One athletic trainer member and one member who is licensed to practice
9 medicine and surgery under subchapter II of chapter 448 of the statutes, for terms
10 expiring on July 1, 2000.

11 2. One athletic trainer member, for a term expiring on July 1, 2001.

12 3. One public member and one athletic trainer member, for terms expiring on
13 July 1, 2002.

14 4. One athletic trainer member, for a term expiring on July 1, 2003.”.

15 **1095.** Page 1545, line 18: after that line insert:

16 “(3e) LOTTERY GENERAL PROGRAM OPERATIONS POSITION AUTHORIZATION. The
17 authorized FTE positions for the department of revenue are increased by 110.5 GPR
18 positions to be funded from the appropriation under section 20.566 (8) (a) of the
19 statutes, as created by this act, for the purpose of conducting general program
20 operations for the lottery.”.

21 **1096.** Page 1545, line 18: after that line insert:

22 “(3g) POSITION INCREASES, BUSINESS TAX REGISTRATION SYSTEM. The authorized
23 FTE positions for the department of revenue are increased by 3.0 PR positions, to be

1 funded from the appropriation under section 20.566 (1) (gb) of the statutes, for the
2 purpose of performing duties related to the business tax registration system.”.

3 **1097.** Page 1546, line 10: delete lines 10 to 15.

4 **1098.** Page 1546, line 15: after that line insert:

5 “(3w) AGRICULTURAL EDUCATION CONSULTANT. The authorized FTE positions for
6 the technical college system board to be funded from the appropriation under section
7 20.292 (1) (q) of the statutes, are increased by 0.75 SEG position for an agricultural
8 education consultant.”.

9 **1099.** Page 1548, line 1: before that line insert:

10 “(2g) GRANT FOR INTERNET-BASED INSTRUCTIONAL PROGRAM. By 15 days after the
11 day after publication, the technology for educational achievement in Wisconsin
12 board shall provide a grant in the amount of \$502,000 to the board of regents of the
13 University of Wisconsin System to maintain, until September 1, 2001, a Web site
14 developed by the University of Wisconsin–Milwaukee to instruct teachers of grades
15 kindergarten to 12 on the integration of technology into the classroom; to store lesson
16 plans concerning the use of technology in the classroom, arranged by grade and
17 subject matter; and to direct teachers to Web sites containing educational
18 resources.”.

19 **1100.** Page 1548, line 18: after that line insert:

20 “(4w) GRANT TO DISTANCE LEARNING NETWORK. From the appropriation under
21 section 20.275 (1) (s) of the statutes, as affected by this act, the technology for
22 educational achievement in Wisconsin board shall award a grant of \$93,800 in the
23 1999–2000 fiscal year to the Embarrass River Valley Instructional Network Group
24 to upgrade its equipment.”.

1 **1101.** Page 1549, line 6: after that line insert:

2 “(2tw) GRANTS FOR TOURISM PROMOTION. In each of fiscal years 1999–2000 and
3 2000–01, the department of tourism shall make a grant of \$75,000 to Polk County
4 and a grant of \$75,000 to Burnett County from the appropriation under section
5 20.380 (1) (kg) of the statutes, as created by this act, for tourism promotion in
6 northwestern Wisconsin. Within 6 months after spending the full amount of each
7 grant, each county shall submit a report to the department of tourism detailing how
8 the money was used.”.

9 **1102.** Page 1549, line 7: after that line insert:

10 “(1p) AGENCY REQUEST. Notwithstanding section 16.42 (1) (e) of the statutes, in
11 submitting information under section 16.42 of the statutes for purposes of the
12 2003–05 biennial budget bill, the department of transportation shall submit
13 information concerning the appropriation under section 20.395 (5) (dq) of the
14 statutes, as affected by this act, as though an annual increase of \$28,000, for the
15 purpose of purchasing strobe lighting equipment and installing that equipment in
16 state patrol vehicles, by this act, has not been made.”.

17 **1103.** Page 1549, line 13: after that line insert:

18 “(2bgm) RULES FOR LOCAL ROADS IMPROVEMENT PROGRAM.

19 (a) The department of transportation shall submit in proposed form the rules
20 required under section 86.31 (2) (b) and (6) (g) and (h) of the statutes, as created by
21 this act, to the legislative council staff under section 227.15 (1) of the statutes no later
22 than the first day of the 7th month beginning after the effective date of this
23 paragraph.

1 (b) Using the procedure under section 227.24 of the statutes, the department
2 of transportation shall promulgate the rules required under section 86.31 (2) (b) and
3 (6) (g) and (h) of the statutes, as created by this act. Notwithstanding section 227.24
4 (1) (c) and (2) of the statutes, the emergency rules may remain in effect until July 1,
5 2000, or the date on which permanent rules take effect, whichever is sooner.
6 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department
7 is not required to provide evidence that promulgating rules under this paragraph is
8 necessary for the preservation of the public peace, health, safety or welfare and is not
9 required to provide a finding of emergency rules under this paragraph. The
10 department shall promulgate rules under this paragraph no later than the 45th day
11 after the effective date of this paragraph.”.

12 **1104.** Page 1549, line 13: after that line insert:

13 “(2bm) RULES ESTABLISHING FULLY ALLOCATED COST METHODOLOGY.

14 (a) The department of transportation shall submit in proposed form the rules
15 required under section 85.20 (8) of the statutes, as created by this act, to the
16 legislative council staff under section 227.15 (1) of the statutes no later than the first
17 day of the 7th month beginning after the effective date of this paragraph.

18 (b) Using the procedure under section 227.24 of the statutes, the department
19 of transportation shall promulgate the rules required under section 85.20 (8) of the
20 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
21 statutes, the emergency rules may remain in effect until July 1, 2000, or the date on
22 which permanent rules take effect, whichever is sooner. Notwithstanding section
23 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
24 evidence that promulgating rules under this paragraph is necessary for the

1 preservation of the public peace, health, safety or welfare and is not required to
2 provide a finding of emergency rules under this paragraph. The department shall
3 promulgate rules under this paragraph no later than the 45th day after the effective
4 date of this paragraph.”.

5 **1105.** Page 1549, line 13: after that line insert:

6 “(2br) REDUCED ALLOCATION FOR DISCRETIONARY TOWN ROAD IMPROVEMENTS. The
7 department of transportation shall reduce the amounts allocated in the
8 appropriation under section 20.395 (2) (fr) of the statutes, as affected by this act, for
9 discretionary town road improvements under section 86.31 (3m) of the statutes by
10 \$75,000 annually for fiscal years 1999–2000 and 2000–01.

11 (2bt) TECHNICAL ASSISTANCE WITH PAVEMENT ASSESSMENT. From the
12 appropriation under section 20.395 (4) (aq) of the statutes, as affected by this act, the
13 department shall contract with the board of regents of the University of Wisconsin
14 System for training and technical support from the University of
15 Wisconsin–Extension to assist municipalities in assessing the physical condition of
16 highways under their jurisdiction, as required in section 86.302 (2) of the statutes,
17 as affected by this act.”.

18 **1106.** Page 1549, line 13: after that line insert:

19 “(2bn) COUNCIL ON RAILROAD GRADE CROSSINGS. The secretary of transportation
20 shall appoint the initial members of the council on railroad grade crossings under
21 section 15.467 (5) of the statutes, as created by this act, within 45 days after the
22 effective date of this subsection.”.

23 **1107.** Page 1550, line 12: after that line insert:

24 “(2s) AGENCY REQUEST RELATING TO DISCRETIONARY TOWN ROAD IMPROVEMENTS.

1 (a) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
2 information under section 16.42 of the statutes for the purpose of the 2001–03
3 biennial budget bill, the department of transportation shall submit information
4 concerning the appropriation under section 20.395 (2) (fr) of the statutes as though
5 the amounts appropriated to the department under that appropriation and allocated
6 for activities under section 86.31 (3m) of the statutes, as affected by this act, for fiscal
7 year 2000–01 were \$75,000 more than the amounts in the schedule.

8 (b) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
9 information under section 16.42 of the statutes for the purpose of the 2001–03
10 biennial budget bill, the department of transportation shall submit information
11 concerning the appropriation under section 20.395 (4) (aq) of the statutes as though
12 the amounts appropriated to the department under that appropriation for fiscal year
13 2000–01 were \$75,000 less than the amounts in the schedule.”.

14 **1108.** Page 1552, line 23: after that line insert:

15 “(6f) MUKWONAGO BYPASS PROJECT. On or after July 1, 2001, and before August
16 1, 2001, the department of transportation shall let for bids contracts for construction
17 on the portions of the Mukwonago bypass project, in Waukesha County, consisting
18 of the extension of Bay View Road, designated as phase 1A; improvements to the
19 I–43/STH 83 interchange, designated as phase 1B; and improvements to the STH
20 83/CTH NN intersection, designated as phase 1C.”.

21 **1109.** Page 1553, line 4: delete lines 4 to 7.

22 **1110.** Page 1554, line 12: after that line insert:

23 “(10x) TRAFFIC CONTROL SIGNALS IN SIREN. The department of transportation
24 shall install traffic control signals at the intersection of STH 35 and STH 70 in the

1 village of Siren in Burnett County. If, during the year 2000, the department
2 reconstructs STH 35 at this intersection, the department shall complete the
3 installation required under this subsection as part of that reconstruction project.”.

4 **1111.** Page 1554, line 12: after that line insert:

5 “(10c) STORM WATER REGULATION COSTS. The department of transportation shall
6 allocate the following amounts:

7 (a) From the appropriation under section 20.395 (3) (bq) to (bx) of the statutes,
8 \$750,000 in fiscal year 1999–2000 and \$850,000 in fiscal year 2000–01 for the costs
9 of complying with storm water rules promulgated under section 281.33 (3) of the
10 statutes.

11 (b) From the appropriation under section 20.395 (3) (cq) to (cx) of the statutes,
12 as affected by this act, \$4,900,000 in fiscal year 1999–2000 and \$5,400,000 in fiscal
13 year 2000–01 for the costs of complying with storm water rules promulgated under
14 section 281.33 (3) of the statutes.”.

15 **1112.** Page 1554, line 12: after that line insert:

16 “(10e) STUDY OF POTENTIAL IMPROVEMENTS TO USH 10. The department of
17 transportation shall study potential improvements to USH 10 between Marshfield
18 and Osseo, including the addition of passing lanes or community bypasses, the
19 reconstruction of segments to eliminate hazardous curves or hills and the widening
20 of lanes and shoulders, and, by January 1, 2001, shall submit a report presenting the
21 results of that study to the governor, and to the legislature in the manner provided
22 under section 13.172 (2) of the statutes.”.

23 **1113.** Page 1554, line 12: after that line insert:

1 “(10g) RULE DESIGNATING HIGHWAY 12 AREA. Using the procedure under section
2 227.24 of the statutes, the department of transportation shall promulgate the rule
3 required under section 85.197 (6) (b) of the statutes, as created by this act, for the
4 period before the effective date of the permanent rule promulgated under section
5 85.197 (6) (b) of the statutes, as created by this act, but not to exceed the period
6 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
7 section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required
8 to provide evidence that promulgating a rule under this subsection as an emergency
9 rule is necessary for the preservation of the public peace, health, safety or welfare
10 and is not required to provide a finding of emergency for a rule promulgated under
11 this subsection.”.

12 **1114.** Page 1556, line 23: delete the material beginning with that line and
13 ending with page 1557, line 2.

14 **1115.** Page 1557, line 16: delete lines 16 to 24.

15 **1116.** Page 1558, line 13: after that line insert:

16 “(3t) POSITION AUTHORIZATION.

17 (a) Notwithstanding section 16.505 (1) of the statutes, during the 1999–2001
18 fiscal biennium, the board of regents of the University of Wisconsin System may
19 propose to increase its authorized FTE positions that are funded, in whole or in part,
20 with general purpose revenues by not more than 1% above the level authorized for
21 the board under section 16.505 (1) of the statutes. The board shall submit any
22 proposal under this subsection to the secretaries of administration and employment
23 relations for approval, together with its methodology for accounting for the cost of
24 funding these positions. The secretaries of administration and employment

1 relations may only approve a proposal if the incremental costs for these positions, as
2 determined by the secretaries of administration and employment relations, are not
3 to be included in any subsequent request submitted by the board under section 16.42
4 (1) of the statutes, as affected by this act. If the secretaries of administration and
5 employment relations jointly approve the proposal, the positions are authorized.

6 (b) During the 1999–2001 fiscal biennium, the board may not include in any
7 certification to the department of administration under section 20.928 (1) of the
8 statutes any sum to pay any costs of a position authorized under this subsection.

9 (c) No later than the last day of the month following completion of each calendar
10 quarter during the 1999–2001 fiscal biennium, the board shall report to the
11 secretaries of administration and employment relations concerning the number of
12 authorized positions under this subsection that have been filled by the board during
13 the preceding calendar quarter and the source of funding for each such position.”.

14 **1117.** Page 1558, line 14: delete lines 14 to 23.

15 **1118.** Page 1559, line 7: after that line insert:

16 “(3g) STAFF PAY SURVEY IMPLEMENTATION. The department of veterans affairs, in
17 response to a staff pay survey by the department of employment relations, may
18 request the joint committee on finance to supplement, from the appropriation under
19 section 20.865 (4) (u) of the statutes, the appropriation account under section 20.485
20 (2) (u) of the statutes, to pay the increased salary and fringe benefit costs resulting
21 from that survey. If the department of veterans affairs requests supplementation of
22 the appropriation account under section 20.485 (2) (u) of the statutes, the
23 department shall submit a plan to the joint committee on finance to expend not more
24 than \$159,600 for fiscal year 1999–2000 and not more than \$164,400 for fiscal year

1 2000–01. Notwithstanding section 13.101 (3) of the statutes, the committee is not
2 required to find that an emergency exists.”.

3 **1119.** Page 1563, line 4: delete lines 4 to 11.

4 **1120.** Page 1566, line 17: after that line insert:

5 “(3mm) CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS. No later than
6 September 1, 1999, the department of workforce development shall identify all
7 existing general purpose revenues that may be used to match federal child care and
8 development block grant funds. The department shall prepare a plan to maximize
9 federal funding for child care and shall submit the plan to the secretary of the federal
10 department of health and human services no later than October 1, 1999. No later
11 than 60 days after the secretary of the federal department of health and human
12 services approves the plan, the department shall submit to the joint committee on
13 finance a plan for expanding child care.”.

14 **1121.** Page 1566, line 17: after that line insert:

15 “(4d) UNRESTRICTED BONUSES FOR WISCONSIN WORKS AGENCIES. The department
16 of workforce development shall modify its request for proposals to administer
17 Wisconsin works under a contract with a term beginning January 1, 2000, to provide
18 that, of the total unrestricted performance bonus available to each Wisconsin works
19 agency, one-third is to be distributed to the agency if the agency meets the 2nd
20 performance level, as defined by the department, and the remainder is to be
21 distributed to the agency if the agency meets the 3rd performance level, as defined
22 by the department.”.

23 **1122.** Page 1566, line 18: after that line insert:

24 “(1d) CONSOLIDATION OF STATE VEHICLE FLEET OPERATIONS.

1 (a) In this subsection:

2 1. “Department” means the department of administration.

3 2. “Secretary” means the secretary of administration.

4 (b) The department shall submit to the cochairpersons of the joint committee
5 on finance for consideration at the 4th quarterly meeting of the committee under
6 section 13.10 of the statutes to be held in 1999 an implementation plan for
7 consolidating the vehicle fleet management functions of the department of natural
8 resources with the corresponding functions of the department.

9 (c) The plan submitted under paragraph (b) may include provision for any of
10 the following on the effective date specified in the plan:

11 1. Transfer of the assets and liabilities of the department of natural resources
12 relating to its vehicle fleet management functions to the department.

13 2. Transfer of the tangible personal property, including records, of the
14 department of natural resources relating to its vehicle fleet management functions
15 to the department.

16 3. Transfer to the department of any authorized full-time equivalent position
17 of the department of natural resources relating to its vehicle fleet management
18 functions. The plan shall include identification of the numbers, revenue sources and
19 types of any positions to be transferred from the department of natural resources to
20 the department under the plan.

21 4. Transfer to the department of any incumbent employes holding positions in
22 the department of natural resources relating to its vehicle fleet management
23 functions. Employes transferred under the plan have all the rights and the same
24 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
25 department that they enjoyed in the department of natural resources immediately

1 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe
2 so transferred who has attained permanent status in class is required to serve a
3 probationary period.

4 5. Transfer to the department of the contracts entered into by the department
5 of natural resources relating to its vehicle fleet management functions which are in
6 effect on the effective date of this subdivision. If the transfer occurs, the department
7 shall carry out any obligations under such a contract until modified or rescinded by
8 the department to the extent allowed under the contract.

9 6. Transfer to the department of any rules promulgated or orders issued by the
10 department of natural resources relating to its vehicle fleet management functions
11 which are in effect on the effective date of the plan. If the transfer occurs, any such
12 rules shall remain in effect until their specified expiration dates or until amended
13 or repealed by the department, and any such orders shall remain in effect until their
14 specified expiration dates or until modified or rescinded by the department.

15 7. Transfer to the department of any matter pending with the department of
16 natural resources relating to its vehicle fleet management functions. If the transfer
17 occurs, all materials submitted to or actions taken by the department of natural
18 resources with respect to the pending matter are considered as having been
19 submitted to or taken by the department.

20 (d) The department shall submit to the cochairpersons of the joint committee
21 on finance for consideration at the 3rd quarterly meeting of the committee under
22 section 13.10 of the statutes in the year 2000 an implementation plan for
23 consolidating the vehicle fleet management functions of the department of
24 transportation and the University of Wisconsin–Madison with the corresponding
25 functions of the department.

1 (e) The plan submitted under paragraph (d) may include provision for any of
2 the following on the effective date specified in the plan:

3 1. Transfer of the assets and liabilities of the department of transportation and
4 the University of Wisconsin–Madison relating to their vehicle fleet management
5 functions to the department.

6 2. Transfer of the tangible personal property, including records, of the
7 department of transportation and the University of Wisconsin–Madison to the
8 department.

9 3. Transfer to the department of any authorized full–time equivalent position
10 of the department of transportation or the board of regents of the University of
11 Wisconsin System relating to vehicle fleet management functions of the department
12 of transportation or the University of Wisconsin–Madison. The plan shall include
13 identification of the numbers, revenue sources and types of any positions to be
14 transferred from the department of transportation or the board of regents of the
15 University of Wisconsin System under the plan.

16 4. Transfer to the department of any incumbent employes holding positions at
17 the department of transportation or the University of Wisconsin–Madison relating
18 to vehicle fleet management functions. Employes transferred under the plan have
19 all the rights and the same status under subchapter V of chapter 111 and chapter 230
20 of the statutes that they enjoyed at the department of transportation or the
21 University of Wisconsin–Madison immediately before the transfer.
22 Notwithstanding section 230.08 (4) of the statutes, no employe so transferred who
23 has attained permanent status in class is required to serve a probationary period.

24 5. Transfer to the department of the contracts entered into by the department
25 of transportation and the board of regents of the University of Wisconsin System

1 relating to the vehicle fleet management functions of the department of
2 transportation and the University of Wisconsin–Madison which are in effect on the
3 effective date of this subdivision. If the transfer occurs, the department shall carry
4 out any obligations under such a contract until modified or rescinded by the
5 department to the extent allowed under the contract.

6 6. Transfer to the department of any rules promulgated or orders issued by the
7 department of transportation or the board of regents of the University of Wisconsin
8 System relating to the vehicle fleet management functions of the department of
9 transportation or the University of Wisconsin–Madison which are in effect on the
10 effective date of the plan. If the transfer occurs, any such rules shall remain in effect
11 until their specified expiration dates or until amended or repealed by the
12 department, and any such orders shall remain in effect until their specified
13 expiration dates or until modified or rescinded by the department.

14 7. Transfer to the department of any matter pending with the department of
15 transportation or the board of regents of the University of Wisconsin System relating
16 to the vehicle fleet management functions of the department of transportation or the
17 University of Wisconsin–Madison. If the transfer occurs, all materials submitted to
18 or actions taken by the department of transportation or the board of regents of the
19 University of Wisconsin System with respect to the pending matter are considered
20 as having been submitted to or taken by the department.

21 (f) The joint committee on finance may approve or modify and approve the plans
22 submitted under paragraphs (b) and (d). If the committee approves a plan, with or
23 without modifications, the department may implement the plan on the effective date
24 of the plan as specified in the plan. If the committee does not approve either plan,
25 the department shall not implement that plan.

1 (g) Notwithstanding section 16.42 of the statutes, the departments of natural
2 resources and transportation and the board of regents of the University of Wisconsin
3 System shall submit information under section 16.42 of the statutes for purposes of
4 the 2001–2003 biennial budget bill reflecting any savings incurred from
5 consolidation of vehicle fleet management functions as the result of implementation
6 of a plan under this subsection.

7 (h) The departments of natural resources and transportation and the board of
8 regents of the University of Wisconsin System shall fully cooperate with the
9 department in implementing any plan approved under paragraph (f).”.

10 **1123.** Page 1567, line 21: after that line insert:

11 “(7g) VILLAGE OF ASHWAUBENON TAX INCREMENTAL DISTRICT NUMBER TWO.
12 Notwithstanding section 66.46 (4) (h) 1. and 2. of the statutes, expenditures for
13 project costs for tax incremental district number two in the village of Ashwaubenon
14 may be made for not more than 5 years after the date on which the village board
15 adopted a resolution amending the project plan in a way that modified the district’s
16 boundaries by adding territory to the district. Expenditures for tax incremental
17 district number two in the village of Ashwaubenon may be made through July 30,
18 2001.”.

19 **1124.** Page 1570, line 9: delete lines 9 to 16.

20 **1125.** Page 1570, line 16: after that line insert:

21 “(9t) TREATMENT OF CERTAIN BILLBOARDS. If a state constitutional officer, other
22 than the governor, has expended any state funds, other than funds disbursed under
23 chapter 11 of the statutes, on or before the effective date of this subsection to place
24 his or her name or any picture or other likeness of himself or herself on a billboard

1 or on any other outdoor sign that is used for the purpose of advertising or providing
2 information to the public, the state constitutional officer shall take appropriate
3 action to ensure, no later than 30 days after the effective date of this subsection, that
4 his or her name or any picture or other likeness of himself or herself on a billboard
5 or on any other outdoor sign is removed or obstructed in such a manner that his or
6 her name or any picture or other likeness of himself or herself is not visible.”.

7 **1126.** Page 1570, line 16: after that line insert:

8 “(9g) WINNEBAGO COUNTY CLAIM. There is directed to be expended from the
9 appropriation under section 20.510 (1) (a) of the statutes, as affected by the acts of
10 1999, \$2,087 in payment of a claim against the state made by Winnebago County to
11 compensate the county for the cost of reprinting ballots for the 1988 general election
12 that were found by the state elections board to be out of conformity with state law.
13 Acceptance of this payment releases this state and its officers, employes and agents
14 from any further liability with respect to the county’s defective ballots for the 1988
15 general election.”.

16 **1127.** Page 1570, line 16: after that line insert:

17 “(10g) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP DUES IN
18 STATE AND NATIONAL ORGANIZATIONS ARE PAID.

19 (a) In this subsection:

- 20 1. “Secretary” means the secretary of administration.
21 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

22 (b) The secretary shall determine for each state agency the amount expended
23 by the state agency for membership dues for any state or national organization in the

1 1998–99 fiscal year that was funded from each revenue source except federal
2 revenue.

3 (c) The secretary shall, during the 1999–2000 fiscal year, lapse to the general
4 fund or appropriate segregated fund from each sum certain appropriation account
5 made to each state agency from any revenue source except program revenue,
6 segregated revenue derived from specific program receipts or federal revenue, or
7 shall reestimate to subtract from the expenditure estimate for each appropriation
8 other than a sum certain appropriation made to each state agency from any revenue
9 source except federal revenue, an amount equivalent to 10% of the total amount
10 expended by that state agency for membership dues for any state or national
11 organization from that appropriation in the 1998–99 fiscal year, if any. The secretary
12 shall, during the 2000–01 fiscal year, lapse to the general fund or appropriate
13 segregated fund from each such account or shall reestimate to subtract from each
14 such estimate an equivalent amount.

15 (d) Each sum certain appropriation to each state agency for the 1999–2000
16 fiscal year and the 2000–01 fiscal year from program revenue or segregated revenue
17 derived from specific program receipts is decreased by an amount equivalent to 10%
18 of the total amount expended by that agency for membership dues for any state or
19 national organization from that appropriation in the 1998–99 fiscal year, as
20 determined by the secretary.”.

21 **1128.** Page 1570, line 16: after that line insert:

22 “(9z) HIGHER EDUCATIONAL AIDS BOARD; POSITION DECREASE. The authorized FTE
23 positions for the higher educational aids board, funded from the appropriation under
24 section 20.235 (2) (qb) of the statutes, are decreased by 0.86 SEG position.”.

1 **1129.** Page 1572, line 9: after that line insert:

2 “(3m) STATE VEHICLE FLEET. Notwithstanding section 20.001 (3) (a) and (c) of the
3 statutes, not later than June 30, 2001, the department of administration shall lapse
4 a total of \$230,000 from the appropriation accounts under section 20.285 (1) (h) of the
5 statutes, as affected by this act, and sections 20.370 (8) (mt), 20.395 (4) (er) and
6 20.505 (1) (kb) of the statutes to the general fund, in the amounts determined by the
7 secretary of administration.”.

8 **1130.** Page 1572, line 19: delete lines 19 to 21.

9 **1131.** Page 1573, line 10: after that line insert:

10 “(2e) TRANSFER TO HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY. On the
11 effective date of this subsection, the secretary of commerce shall transfer \$1,000,000
12 from the appropriation account of the department of commerce under section 20.143
13 (1) (c) of the statutes, as affected by the acts of 1999, to the Wisconsin Housing and
14 Economic Development Authority.”.

15 **1132.** Page 1577, line 12: delete lines 12 to 20 and substitute:

16 “(af) There is transferred \$2,000,000 from the parks account of the
17 conservation fund to the general fund.

18 “(bf) On July 1, 2000, there is transferred \$1,000,000 from the parks account of
19 the conservation fund to the general fund.”.

20 **1133.** Page 1577, line 20: after that line insert:

21 “(4c) ALL-TERRAIN VEHICLE ACCOUNT TRANSFER. There is transferred \$500,000
22 from the all-terrain vehicle account of the conservation fund to the general fund.”.

23 **1134.** Page 1584, line 24: delete lines 24 and 25.

24 **1135.** Page 1585, line 1: after that line insert:

1 “(1d) LEGISLATIVE APPROVAL OF INDIAN GAMING COMPACTS AND PROPOSED INDIAN
2 GAMING ESTABLISHMENTS. The treatment of section 14.037 of the statutes, the
3 renumbering and amendment of section 14.035 of the statutes and the creation of
4 section 14.035 (2) of the statutes first apply to gaming compacts negotiated by the
5 governor and decisions made by the governor as described under 25 USC 2719 (1) (A)
6 beginning on the effective date of this subsection.”.

7 **1136.** Page 1585, line 17: after that line insert:

8 “(1g) FINE ART IN STATE BUILDINGS. The treatment of sections 13.48 (10) (a),
9 20.215 (1) (k) and (ka), 44.51 (2) and (3) and 44.57 of the statutes first applies to a
10 contract for the construction, reconstruction, renovation or remodeling of or an
11 addition to a state building entered into on the effective date of this subsection.”.

12 **1137.** Page 1585, line 19: after that line insert:

13 “(1m) MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT
14 WITHDRAWAL. The treatment of sections 13.123 (3) (a) and 13.45 (3) (a) of the statutes
15 first applies to expenses incurred on the effective date of this subsection.”.

16 **1138.** Page 1588, line 23: after that line insert:

17 “(5xt) SECURED GROUP HOMES. The renumbering and amendment of section
18 48.66 (1) of the statutes, the amendment of sections 16.385 (7), 19.35 (1) (am) 2. c.,
19 46.036 (4) (a), 48.02 (17), 48.48 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a), 48.66 (2m)
20 (am), 48.66 (2m) (b), 48.66 (2m) (bm), 48.68 (1), 48.69, 48.715 (1), 48.715 (2) (a),
21 48.715 (2) (b), 48.715 (4) (intro.), 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1) (d) 3.,
22 51.05 (2), 51.35 (3) (title), 51.35 (3) (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 73.0301
23 (1) (d) 2., 118.125 (4), 165.76 (1) (a) (by SECTION 2288g), 165.76 (2) (b) 2., 252.15 (1)
24 (ab), 252.15 (2) (a) 7. a., 301.01 (2) (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03 (10)

1 (e), 301.03 (10) (f), 301.08 (1) (b) 3., 301.205, 301.26 (4) (cm) 1., 301.26 (4) (cm) 2.,
2 301.26 (4) (dt), 301.26 (7) (a) 3., 301.263 (3), 301.36 (1), 301.37 (1), 301.45 (1) (b),
3 301.45 (1) (bm), 301.45 (3) (a) 2., 301.45 (5) (a) 2., 938.02 (15g), 938.02 (15m), 938.02
4 (17), 938.069 (1) (dj), 938.08 (3) (a) (intro.), 938.08 (3) (a) 1., 938.08 (3) (a) 2., 938.08
5 (3) (b), 938.17 (1) (c), 938.183 (1) (a), 938.208 (2), 938.22 (title), 938.22 (1) (a), 938.22
6 (1) (b), 938.22 (1) (c), 938.22 (2) (a), 938.22 (3) (a), 938.22 (3) (b), 938.22 (7) (a), 938.22
7 (7) (b), 938.22 (7) (c), 938.23 (1) (a), 938.33 (3) (intro.), 938.33 (3) (a), 938.33 (3r),
8 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.34 (4n) (b), 938.34 (8d) (c), 938.345 (1)
9 (a), 938.355 (1), 938.357 (3), 938.357 (4g) (a), 938.357 (4g) (b), 938.357 (4g) (d),
10 938.357 (5) (e), 938.357 (5) (f), 938.38 (3) (a), 938.51 (1) (intro.), 938.51 (1m), 938.51
11 (4) (intro.), 938.57 (1) (c), 938.57 (4), 938.78 (3), 939.635 (1), 939.635 (2) (b), 946.42
12 (1) (a), 946.44 (2) (c), 946.44 (2) (d), 946.45 (2) (c), 946.45 (2) (d), 968.255 (7) (b),
13 980.015 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am), 980.02 (4) (b) and
14 980.04 (1) of the statutes and the creation of sections 51.01 (14k), 51.01 (14m), 51.01
15 (14p), 301.01 (3k), 301.01 (3m), 301.01 (3p), 301.08 (1) (b) 4. and 938.02 (15p) of the
16 statutes first apply to delinquent acts committed on the effective date of this
17 subsection.”.

18 **1139.** Page 1589, line 4: after that line insert:

19 “(1g) MANDATES UNDER PRIVATE EMPLOYER HEALTH CARE COVERAGE PLAN. If a policy
20 issued under the program under subchapter X of chapter 40 of the statutes is in effect
21 on January 1, 2010, the repeal of section 40.98 (2) (b) 2. of the statutes first applies
22 to that policy upon renewal.”.

23 **1140.** Page 1589, line 4: after that line insert:

1 “(1m) SOCIAL SECURITY COVERAGE. The treatment of section 40.41 (6) (b) and (c)
2 of the statutes first applies to services performed by a student in the employ of a
3 school, college or university specified in section 40.41 (6) (c) of the statutes on July
4 1, 2000.”.

5 **1141.** Page 1589, line 5: after that line insert:

6 “(1g) PROHIBITED INSURANCE COVERAGE. The treatment of section 111.91 (2) (r)
7 of the statutes first applies to employes who are affected by a collective bargaining
8 agreement that contains provisions inconsistent with that treatment on the day on
9 which the collective bargaining agreement expires or is extended, modified or
10 renewed, whichever occurs first.”.

11 **1142.** Page 1589, line 5: after that line insert:

12 “(3c) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of
13 section 111.70 (1) (a) and (4) (o) of the statutes first applies to a collective bargaining
14 agreement that expires or is extended, modified or renewed, whichever occurs first,
15 on the effective date of this subsection.”.

16 **1143.** Page 1589, line 14: after that line insert:

17 “(1c) ACQUISITIONS OF BANKS AND BANK HOLDING COMPANIES. The treatment of
18 section 221.0901 (3) (a) 1. and (8) (a) and (b) of the statutes first applies to mergers,
19 consolidations or acquisitions that take place on the effective date of this
20 subsection.”.

21 **1144.** Page 1589, line 14: after that line insert:

22 “(2zt) RENT-TO-OWN AGREEMENTS. The treatment of sections 409.104 (12m),
23 421.202 (7m), 421.301 (9), (10) and (11) 423.201, 435.102 to 435.201, 435.303 and

1 435.401 to 435.702 of the statutes first applies to rent-to-own agreements entered
2 into on the effective date of this subsection.

3 (2zu) REGISTRATION OF RENTAL-PURCHASE COMPANIES. The treatment of sections
4 435.301, 435.302 and 435.304 of the statutes first applies to any person engaging in
5 business as a rental-purchase company on the effective date of this subsection.”.

6 **1145.** Page 1589, line 14: after that line insert:

7 “(3d) SELF-SERVICE STORAGE RENT DEFAULTS. The treatment of section 704.90 (5)
8 (b) 1. b. and (6) (a) 4., 5. a. and 6. of the statutes first applies to defaults or failures
9 to pay rent for the storage of abandoned personal property occurring on the effective
10 date of this subsection.”.

11 **1146.** Page 1591, line 24: delete lines 24 and 25.

12 **1147.** Page 1592, line 16: after that line insert:

13 “(13z) ALCOHOL AND OTHER DRUG TESTING OF MINORS. The treatment of section
14 51.48 of the statutes first applies to a minor who is tested for the presence of alcohol
15 or other drugs in the minor’s body on the effective date of this subsection.”.

16 **1148.** Page 1592, line 16: after that line insert:

17 “(13g) PROHIBITIONS ON FUNDING FOR CONTRACEPTIVE ARTICLES PRESCRIBED FOR
18 MINORS. The treatment of section 20.9276 of the statutes first applies to a contract
19 that contains provisions inconsistent with that treatment on the day on which the
20 contract expires or is extended, modified or renewed, whichever first occurs.”.

21 **1149.** Page 1592, line 23: after that line insert:

22 “(2g) PROHIBITING DENIAL OF CERTAIN PAYMENTS.

23 (a) Except as provided in paragraph (b), if a disability insurance policy or group
24 certificate contains terms or provisions that are inconsistent with section 632.872 of

1 the statutes, as created by this act, the treatment of sections 40.51 (8) and (8m),
2 111.91 (2) (nm), 185.981 (4t), 185.983 (1) (intro.), 609.795 and 632.872 of the statutes
3 first applies to that disability insurance policy or group certificate upon renewal.

4 (b) The treatment of sections 40.51 (8) and (8m), 111.91 (2) (nm), 185.981 (4t),
5 185.983 (1) (intro.), 609.795 and 632.872 of the statutes first applies to disability
6 insurance policies or group certificates covering employes who are affected by a
7 collective bargaining agreement containing provisions inconsistent with section
8 632.872 of the statutes, as created by this act, that are issued or renewed on the
9 earlier of the following:

10 1. The day on which the collective bargaining agreement expires.

11 2. The day on which the collective bargaining agreement is extended, modified
12 or renewed.”.

13 **1150.** Page 1592, line 23: after that line insert:

14 “(2n) COPAYS FOR COVERAGE OF ALCOHOLISM AND OTHER DISEASES. The treatment
15 of section 632.89 (2) (a) 2., (b) 1., (c) 2. b., (d) 2. and (dm) 2. of the statutes first applies
16 to policies issued or renewed on the effective date of this subsection.”.

17 **1151.** Page 1592, line 23: after that line insert:

18 “(1g) INSURANCE MANDATES COVERAGE FOR SMALL EMPLOYERS.

19 (a) The creation of section 635.20 of the statutes first applies to group health
20 benefit plans issued or renewed on the effective date of this paragraph.

21 (b) The repeal of section 635.20 of the statutes first applies to group health
22 benefit plans issued or renewed on January 1, 2010.”.

23 **1152.** Page 1594, line 7: delete lines 7 to 9.

24 **1153.** Page 1594, line 9: after that line insert:

1 “(9v) HIGH-WATER MARK DISPUTES. The treatment of section 30.103 of the
2 statutes first applies to a dispute that the public service commission determines
3 arises on the effective date of this subsection.”.

4 **1154.** Page 1594, line 13: delete lines 13 to 16.

5 **1155.** Page 1595, line 5: after that line insert:

6 “(4g) SCHOOL PERFORMANCE REPORTS. The renumbering and amendment of
7 section 115.38 (1) (b) of the statutes and the creation of section 115.38 (1) (b) 2. of the
8 statutes first apply to reports required, under section 115.38 (2) of the statutes, to be
9 distributed by January 1, 2002.”.

10 **1156.** Page 1595, line 8: after that line insert:

11 “(6j) SUMMER CLASSES; MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of
12 section 121.004 (8) of the statutes, the renumbering and amendment of section
13 119.23 (1) of the statutes and the creation of section 119.23 (1) (b) and (c), (4) (a) and
14 (4m) of the statutes first apply to payments made for academic summer classes and
15 laboratory periods attended in 1999.”.

16 **1157.** Page 1595, line 17: after that line insert:

17 “(1g) TARIFF FILINGS. The treatment of sections 196.19 (1m) (b) and (e) and
18 196.77 of the statutes first applies to tariffs filed on the effective date of this
19 subsection.”.

20 **1158.** Page 1595, line 17: after that line insert:

21 “(1m) OFFICE OF THE COMMISSIONER OF RAILROADS. The treatment of section
22 189.02 (7) of the statutes first applies to personnel or budget requests submitted to
23 the public service commission on the effective date of this subsection.”.

24 **1159.** Page 1595, line 17: after that line insert:

1 “(3c) RAILROAD CROSSING COSTS. The treatment of section 195.28 (1m) of the
2 statutes first applies to crossing protection orders made by the office of the
3 commissioner of railroads on the effective date of this subsection.”.

4 **1160.** Page 1595, line 17: after that line insert:

5 “(1n) RAILROAD GRADE CROSSINGS. The treatment of section 195.28 (1) of the
6 statutes first applies to orders of the office of commissioner of railroads under which
7 physical improvements to a railroad grade crossing have not commenced on or before
8 the effective date of this subsection.”.

9 **1161.** Page 1595, line 21: after that line insert:

10 “(2g) DISCLOSURES AND REPRESENTATIONS FOR CERTAIN SALES. The treatment of
11 section 440.947 of the statutes first applies to sales or offers to sell that are made on
12 the effective date of this subsection.”.

13 **1162.** Page 1596, line 15: delete “2000” and substitute “2001”.

14 **1163.** Page 1597, line 18: after that line insert:

15 “(7g) WISCONSIN ELECTION CAMPAIGN FUND DESIGNATIONS. The renumbering and
16 amendment of section 71.10 (3) (a) and (b) of the statutes, the repeal and recreation
17 of section 71.10 (3) (c) of the statutes and the creation of section 71.10 (3) (a) (title),
18 2. and 3., (bm), (d) and (e) of the statutes first apply to taxable years beginning on
19 January 1, 1999.”.

20 **1164.** Page 1599, line 1: before that line insert:

21 “(20ty) ARMED FORCES MEMBER TAX CREDIT. The treatment of sections 71.07 (6m),
22 71.08 (1) (intro.) (as it relates to the armed forces member tax credit) and 71.10 (4)
23 (cm) of the statutes first applies to taxable years that begin on January 1, 2000.”.

1 **1165.** Page 1599, line 2: after “71.08 (1) (intro.)” insert “(as it relates to the
2 sustainable urban development zone credit)”.

3 **1166.** Page 1599, line 3: delete “and 71.49” and substitute “, 71.49”.

4 **1167.** Page 1599, line 4: after “(eon)” insert “and 77.92 (4)”.

5 **1168.** Page 1599, line 8: delete “and 71.49 (1) (eon)” and substitute “, 71.49
6 (1) (eon) and 77.92 (4)”.

7 **1169.** Page 1599, line 17: after that line insert:

8 “(22g) FARMLAND TAX RELIEF CREDIT. The treatment of sections 71.07 (3m) (c) 1.
9 and 3., 71.28 (2m) (c) 1. and 3. and 71.47 (2m) (c) 1. and 3. of the statutes first applies
10 to property taxes that are levied in 1999 and that are payable in 2000.”.

11 **1170.** Page 1600, line 3: after that line insert:

12 “(22ty) HUB TERMINAL FACILITY. The treatment of sections 70.11 (40) and 76.02
13 (1) of the statutes first applies to the property tax assessments as of January 1,
14 2000.”.

15 **1171.** Page 1600, line 3: after that line insert:

16 “(23b) MOTION PICTURE THEATER EQUIPMENT. The treatment of section 70.111 (24)
17 of the statutes first applies to the property tax assessments as of January 1, 2000.”.

18 **1172.** Page 1600, line 3: after that line insert:

19 “(22tx) DIGITAL BROADCASTING EQUIPMENT. The treatment of section 70.111 (25)
20 of the statutes first applies to the property tax assessment as of January 1, 2000.”.

21 **1173.** Page 1600, line 6: after that line insert:

22 “(23e) PROPERTY TAX EXEMPTION REPORT FILING FEE. The treatment of section
23 70.337 (5) of the statutes first applies to filing fees that are due on March 31, 2000.”.

1 **1174.** Page 1600, line 6: after that line insert:

2 “(23t) EDUCATION CREDIT. The treatment of sections 71.05 (6) (a) 15., 71.07 (5r),
3 71.08 (1) (intro.), 71.10 (4) (i), 71.21 (4), 71.26 (2) (a), 71.28 (5r), 71.30 (3) (f), 71.34
4 (1) (g), 71.45 (2) (a) 10., 71.47 (5r), 71.49 (1) (f) and 77.92 (4) of the statutes first
5 applies to taxable years beginning on July 1, 2001.”.

6 **1175.** Page 1600, line 6: after that line insert:

7 “(23g) ELECTRICITY SOLD FOR FARMING. The treatment of section 77.54 (30) (a)
8 3. of the statutes first applies to electricity sold for use in farming on May 1, 2000.”.

9 **1176.** Page 1600, line 6: after that line insert:

10 “(23cm) SITUS OF LOTTERY INCOME. The treatment of sections 71.04 (1) (a) and
11 (9), 71.05 (6) (b) 9., 71.23 (1) and (2), 71.25 (5) (b), 71.26 (1) (a), 71.362 (1) and (2),
12 71.43 (1) and (2), 71.45 (1), (2) (a) 15. and (3r), 71.46 (3) and 71.67 (4) (a) of the statutes
13 first applies to taxable years beginning on January 1, 1999.”.

14 **1177.** Page 1600, line 20: after that line insert:

15 “(23xc) ATTORNEY FEES TAX. The treatment of section 73.01 and chapter 139
16 (title) of the statutes and the creation of subchapter V of chapter 139 of the statutes
17 first apply to attorney fees that are paid on the effective date of this subsection.”.

18 **1178.** Page 1600, line 20: after that line insert:

19 “(24e) LOTTERY FUND. The repeal and recreation of sections 25.75 (1) (b), 71.07
20 (3m) (b) 1. a., 71.28 (2m) (b) 1. a., 71.47 (2m) (b) 1. a. and 79.10 (11) (b) of the statutes
21 and the creation of section 25.75 (1) (c) 3. and (3) (b) and (e) of the statutes take effect
22 on the effective date of the 2001–03 biennial budget act.”.

23 **1179.** Page 1600, line 23: after that line insert:

1 “(1t) PROHIBITION REGARDING COURT IMPROVEMENT GRANT PROGRAM. The
2 treatment of section 757.75 of the statutes first applies to court improvement grants
3 awarded by the supreme court or the director of state courts on the effective date of
4 this subsection.”.

5 **1180.** Page 1601, line 20: after that line insert:

6 “(4mg) LOCAL ROADS IMPROVEMENT PROGRAM. The treatment of sections 86.31 (2)
7 (b) (as it relates to responsible bids for improvements and the procedures
8 promulgated as rules under section 86.31 (6) (h) of the statutes) and (d) 1., 1m., 2.
9 and 3. and (6) (g) and (h) of the statutes, the renumbering and amendment of section
10 86.31 (2) (d) 5. of the statutes and the creation of section 86.31 (2) (d) 5. a. and b. of
11 the statutes first apply to bids that are solicited and to work performed by county
12 highway departments on the effective date of the emergency rules promulgated
13 under SECTION 9350 (2bgm) (b) of this act.”.

14 **1181.** Page 1601, line 20: after that line insert:

15 “(4z) TRANSPORTATION ENHANCEMENT ACTIVITY AND SURFACE TRANSPORTATION
16 DISCRETIONARY GRANTS. The treatment of sections 85.026 (3) and 85.243 (2) (a) and
17 (am) of the statutes first applies to grants awarded during the 2001–03 fiscal
18 biennium.”.

19 **1182.** Page 1601, line 20: after that line insert:

20 “(4md) FULLY ALLOCATED COST METHODOLOGY.

21 (a) The treatment of section 85.20 (8) of the statutes first applies to bids
22 solicited on the effective date of the emergency rules promulgated under SECTION
23 9150 (2bm) (b) of this act.

1 (b) The treatment of section 85.20 (1) (g) of the statutes first applies to services
2 contracted under a bid solicited on the effective date of the emergency rules
3 promulgated under SECTION 9150 (2bm) (b) of this act.”.

4 **1183.** Page 1601, line 20: after that line insert:

5 “(4t) LOCAL SEGREGATED FUND.

6 (a) The treatment of section 86.30 (11) (a) (intro.) and (b) of the statutes first
7 applies to aids payable under section 86.30 of the statutes, as affected by this act, for
8 calendar year 2000.

9 (b) The treatment of section 86.30 (11) (a) 2. of the statutes first applies to
10 moneys received or allocated for local highway purposes on January 1, 2000.

11 (c) The treatment of section 85.20 (6m) (a) (intro.) and (b) of the statutes first
12 applies to aids payable for calendar year 2000 under a contract under section 85.20
13 of the statutes.

14 (d) The treatment of section 85.20 (6m) (a) 2. of the statutes first applies to
15 moneys received or allocated for a mass transit system, as defined in section 85.20
16 (1) (e) of the statutes, on January 1, 2000.”.

17 **1184.** Page 1601, line 23: after that line insert:

18 “(5g) HIGHWAY CONSTRUCTION BIDS. The treatment of section 84.06 (2) (a) and (b)
19 of the statutes first applies to bids that are solicited on the effective date of this
20 subsection.”.

21 **1185.** Page 1602, line 3: after that line insert:

22 “(8g) REVENUES RECEIVED FROM AD VALOREM TAX ON AIR CARRIERS.

23 (a) The treatment of section 20.395 (2) (dr) of the statutes first applies to
24 moneys received from taxes collected on the effective date of this subsection.

1 (b) Not later than the first day of the first month beginning after publication,
2 the secretary of transportation shall determine the amount of moneys that were
3 collected as taxes on air carrier companies under chapter 76 of the statutes and that,
4 between July 1, 1999, and the effective date of this subsection, were deposited in the
5 transportation fund. Upon making the determination, the secretary of
6 transportation shall certify that amount to the secretary of administration and shall
7 credit to the appropriation account under section 20.395 (2) (dr) of the statutes, as
8 affected by this act, an amount equal to the amount certified.”.

9 **1186.** Page 1602, line 5: after “(intro.)” insert “and (b) 1.”.

10 **1187.** Page 1602, line 6: after that line insert:

11 “(10d) SALVAGE VEHICLE TITLES. The treatment of sections 342.07 (1) and (2) (a),
12 342.15 (2), (3) and (6) and 342.16 (1) (a), (c) and (d) of the statutes act first applies
13 to salvage vehicles acquired by a dealer on the effective date of this subsection.”.

14 **1188.** Page 1602, line 6: after that line insert:

15 “(10c) WEIGHT LIMITS FOR MILK TRUCKS. The treatment of section 348.15 (3) (bg)
16 of the statutes first applies to motor vehicles operated on the effective date of this
17 subsection.”.

18 **1189.** Page 1602, line 7: after that line insert:

19 “(1g) UNCLAIMED PROPERTY. The renumbering of section 177.01 (10) of the
20 statutes and the creation of section 177.01 (10) (b) of the statutes first apply to credit
21 balances issued by a business association on January 1, 1998.”.

22 **1190.** Page 1603, line 24: after that line insert:

23 “(3g) VIOLATION OF DOMESTIC ABUSE RESTRAINING ORDERS. The treatment of
24 section 813.12 (8) (a) 2. of the statutes first applies to violations of temporary

1 restraining orders or injunctions that occur on the effective date of this subsection,
2 but does not preclude counting violations that occurred before the effective date of
3 this subsection for purposes of determining whether the person has previously been
4 convicted of a violation of a temporary restraining order or injunction.”.

5 **1191.** Page 1603, line 24: after that line insert:

6 “(4cs) REPRESENTATION IN PROCEEDINGS INVOLVING CHILDREN IN NEED OF
7 PROTECTION OR SERVICES. The treatment of sections 48.20 (8), 48.21 (3) (d), 48.23 (3)
8 and (4) and 48.27 (4) (a) 2. of the statutes, the renumbering and amendment of
9 section 48.23 (2) of the statutes and the creation of section 48.23 (2) (b) of the statutes
10 first apply to proceedings commenced under section 48.13 of the statutes on the
11 effective date of this subsection.

12 (4ct) REPRESENTATION IN PROCEEDINGS INVOLVING JUVENILES IN NEED OF
13 PROTECTION OR SERVICES. The treatment of sections 938.20 (8), 938.21 (3) (d), 938.23
14 (2), (3) and (4), 938.243 (1) (e) and 938.27 (4) (b) of the statutes first applies to
15 proceedings commenced under section 938.13 of the statutes on the effective date of
16 this subsection.”.

17 **1192.** Page 1604, line 8: delete lines 8 to 21.

18 **1193.** Page 1604, line 21: after that line insert:

19 “(6d) VIDEO GAMBLING MACHINES. The treatment of section 945.05 (1) (intro.) and
20 (1m) of the statutes, the renumbering and amendment of sections 945.03 and 945.04
21 of the statutes and the creation of sections 945.03 (2m) and 945.04 (2m) of the
22 statutes first apply to offenses committed on the effective date of this subsection.

1 (6e) REVOCATION OF CLASS “B” AND “CLASS B” LICENSES. The treatment of section
2 945.041 (11) of the statutes first applies to revocation proceedings commenced on the
3 effective date of this subsection.”.

4 **1194.** Page 1604, line 22: delete lines 22 to 25.

5 **1195.** Page 1604, line 25: after that line insert:

6 “(6t) STATE SPENDING FOR CERTAIN BILLBOARDS PROHIBITED. The treatment of
7 section 20.926 of the statutes first applies to the expenditure of state funds on the
8 effective date of this subsection.”.

9 **1196.** Page 1604, line 25: after that line insert:

10 “(6s) ALL-UNION AGREEMENTS ON PUBLIC PROJECTS. The treatment of sections
11 16.855 (14m), 61.55 (1) and (3), 62.15 (1e) and (15), 66.20 (3s), 66.24 (5m), 66.88 (5s),
12 66.904 (6), 84.06 (2) (a), 85.017, 86.31 (2) (b) (as it relates to the prohibition of
13 all-union agreements), 118.265, 229.41 (8m), 229.44 (4) (d), 229.46 (8), 229.65 (6m),
14 229.68 (4) (d) and 229.682 (9) of the statutes and the renumbering and amendment
15 of section 61.55 (as it relates to contracts with labor organizations), of the statutes
16 first apply to bids and contracts that are let, entered into, extended, modified or
17 renewed on the effective date of this subsection.”.

18 **1197.** Page 1604, line 25: after that line insert:

19 “(7mb) PROMISSORY NOTES ISSUED BY COUNTIES, UNFUNDED PENSION LIABILITIES.
20 The treatment of section 67.04 (5) (b) 4. of the statutes first applies to promissory
21 notes that are issued on the effective date of this subsection.”.

22 **1198.** Page 1605, line 15: delete lines 15 to 19.

23 **1199.** Page 1605, line 21: after that line insert:

1 “(7h) GRANT TO HERITAGE MILITARY MUSIC FOUNDATION. The treatment of section
2 20.505 (1) (kc) (by SECTION 520n) of the statutes and the repeal of sections 16.853 and
3 20.505 (1) (kw) of the statutes take effect on July 1, 2001.”.

4 **1200.** Page 1606, line 4: after that line insert:

5 “(1g) PESTICIDE DATA BASE STUDY. The repeal of section 20.115 (7) (ud) of the
6 statutes takes effect on July 1, 2000.”.

7 **1201.** Page 1606, line 6: after that line insert:

8 “(2g) MEAT AND POULTRY INSPECTION. The treatment of section 97.42 (4) (intro.)
9 and (4m) of the statutes takes effect on January 1, 2000.”.

10 **1202.** Page 1606, line 6: after that line insert:

11 “(6m) EXCLUSIVE AGRICULTURAL ZONING. The treatment of section 91.75 (1) of the
12 statutes takes effect on January 1, 2001.”.

13 **1203.** Page 1606, line 13: after that line insert:

14 “(2f) FEE FOR COMMENCEMENT OF DIVORCE.

15 (a) The creation of section 814.61 (1) (e) of the statutes takes effect on October
16 1, 1999, or on the first day of the 2nd month beginning after the effective date of this
17 subsection, whichever is later.

18 (b) The repeal of section 814.61 (1) (e) of the statutes takes effect on October
19 1, 2003.”.

20 **1204.** Page 1607, line 21: after “9101 (3x),” insert “9110 (7n),”.

21 **1205.** Page 1608, line 2: after that line insert:

22 “(10m) RECYCLING MARKET DEVELOPMENT BOARD FUNDING. The repeal of section
23 287.46 (4) of the statutes and the repeal and recreation of section 20.143 (1) (L) of the
24 statutes take effect on June 30, 2001.”.

1 **1206.** Page 1608, line 8: after that line insert:

2 “(6xt) SECURED GROUP HOMES.

3 (a) The renumbering and amendment of section 48.66 (1) of the statutes, the
4 amendment of sections 16.385 (7), 19.35 (1) (am) 2. c., 46.036 (4) (a), 48.02 (17), 48.48
5 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a), 48.66 (2m) (am), 48.66 (2m) (b), 48.66 (2m)
6 (bm), 48.68 (1), 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (2) (b), 48.715 (4) (intro.),
7 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1) (d) 3., 51.05 (2), 51.35 (3) (title), 51.35 (3)
8 (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 73.0301 (1) (d) 2., 118.125 (4), 165.76 (1)
9 (a) (by SECTION 2288g), 165.76 (2) (b) 2., 252.15 (1) (ab), 252.15 (2) (a) 7. a., 301.01 (2)
10 (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03 (10) (e), 301.03 (10) (f), 301.08 (1) (b)
11 3., 301.205, 301.26 (4) (cm) 1., 301.26 (4) (cm) 2., 301.26 (4) (dt), 301.26 (7) (a) 3.,
12 301.263 (3), 301.36 (1), 301.37 (1), 301.45 (1) (b), 301.45 (1) (bm), 301.45 (3) (a) 2.,
13 301.45 (5) (a) 2., 938.02 (15g), 938.02 (15m), 938.02 (17), 938.069 (1) (dj), 938.08 (3)
14 (a) (intro.), 938.08 (3) (a) 1., 938.08 (3) (a) 2., 938.08 (3) (b), 938.17 (1) (c), 938.183 (1)
15 (a), 938.208 (2), 938.22 (title), 938.22 (1) (a), 938.22 (1) (b), 938.22 (1) (c), 938.22 (2)
16 (a), 938.22 (3) (a), 938.22 (3) (b), 938.22 (7) (a), 938.22 (7) (b), 938.22 (7) (c), 938.23
17 (1) (a), 938.33 (3) (intro.), 938.33 (3) (a), 938.33 (3r), 938.34 (4m) (intro.), 938.34 (4n)
18 (intro.), 938.34 (4n) (b), 938.34 (8d) (c), 938.345 (1) (a), 938.355 (1), 938.357 (3),
19 938.357 (4g) (a), 938.357 (4g) (b), 938.357 (4g) (d), 938.357 (5) (e), 938.357 (5) (f),
20 938.38 (3) (a), 938.51 (1) (intro.), 938.51 (1m), 938.51 (4) (intro.), 938.57 (1) (c), 938.57
21 (4), 938.78 (3), 939.635 (1), 939.635 (2) (b), 946.42 (1) (a), 946.44 (2) (c), 946.44 (2) (d),
22 946.45 (2) (c), 946.45 (2) (d), 968.255 (7) (b), 980.015 (2) (b), 980.02 (1) (b) 2., 980.02
23 (2) (ag), 980.02 (4) (am), 980.02 (4) (b) and 980.04 (1) of the statutes and the creation
24 of sections 51.01 (14k), 51.01 (14m), 51.01 (14p), 301.01 (3k), 301.01 (3m), 301.01

1 (3p), 301.08 (1) (b) 4. and 938.02 (15p) of the statutes and SECTION 9311 (5xt) of this
2 act take effect on January 1, 2000.

3 (b) The repeal and recreation of section 51.35 (3) (c) and (e) of the statutes takes
4 effect on December 1, 2001.”.

5 **1207.** Page 1608, line 15: after that line insert:

6 “(1g) PRIVATE EMPLOYER HEALTH CARE COVERAGE. The repeal of sections 13.94 (1)
7 (p), 15.07 (1) (b) 22., 15.165 (5) and 20.515 (2) (title), (a), (b) and (g) and subchapter
8 X of chapter 40 of the statutes and the amendment of section 40.02 (26) (intro.) (by
9 SECTION 930wm) and (28) (by SECTION 931c) of the statutes take effect on January 1,
10 2010.”.

11 **1208.** Page 1608, line 15: after that line insert:

12 “(1m) SEX OFFENDER REGISTRATION SPECIALIST. The treatment of sections 40.02
13 (17) (n), (48) (am) (as it relates to sex offender registration specialists) and (c) and
14 (53m) and 40.65 (4w) of the statutes take effect on January 1, 2000.”.

15 **1209.** Page 1608, line 19: after that line insert:

16 “(1g) UNIVERSAL BANKING. The treatment of section 220.04 (9) (a) 2. and chapter
17 222 of the statutes takes effect on the first day of the 3rd month beginning after
18 publication.”.

19 **1210.** Page 1608, line 19: after that line insert:

20 “(2z) RENT-TO-OWN AGREEMENTS. The treatment of sections 409.104 (12m),
21 421.202 (7m), 421.301 (9), (10) and (11) and 423.201 and chapter 435 of the statutes
22 and SECTION 9319 (2zt) and (2zu) of this act take effect on the first day of the 6th
23 month beginning after publication.”.

24 **1211.** Page 1610, line 3: delete lines 3 to 5.

1 **1212.** Page 1610, line 16: delete “2003” and substitute “2002”.

2 **1213.** Page 1610, line 16: after that line insert:

3 “(12z) ALCOHOL AND OTHER DRUG TESTING OF MINORS. The treatment of section
4 51.48 of the statutes and SECTION 9323 (13z) of this act take effect on the first day of
5 the 2nd month beginning after publication.”.

6 **1214.** Page 1610, line 16: after that line insert:

7 “(14c) COMMUNITY MARRIAGE POLICY PROJECT.

8 (a) The creation of section 20.435 (3) (hm) of the statutes takes effect on October
9 1, 1999, or on the first day of the 2nd month beginning after the effective date of this
10 subsection, whichever is later.

11 (b) The repeal of section 20.435 (3) (hm) of the statutes takes effect on October
12 1, 2003.”.

13 **1215.** Page 1610, line 16: after that line insert:

14 “(12xx) CAREGIVER BACKGROUND CHECKS. The treatment of sections 48.685 (2)
15 (bg) (by SECTION 1170n), (4m) (b) (intro.) (by SECTION 1173j) and (5m) (by SECTION
16 1176g) and 50.065 (4m) (b) (intro.) (by SECTION 1521zi) of the statutes takes effect on
17 February 1, 2000.”.

18 **1216.** Page 1610, line 16: after that line insert:

19 “(14d) FUNERAL AND BURIAL EXPENSES.

20 (a) The treatment of section 49.30 (1) (b) (by SECTION 1355w) of the statutes
21 takes effect on January 1, 2001.

22 (b) The treatment of section 49.30 (1) (b) (by SECTION 1355wb) of the statutes
23 takes effect on July 1, 2001.”.

24 **1217.** Page 1611, line 17: after that line insert:

1 “(1zz) RECYCLING. The treatment of sections 16.15 (1) (ae), (ah) and (ar) and (3)
2 (a) 3., 20.370 (2) (hq) and (3) (mr), 59.70 (2) (L), 66.35 (1) (a), 66.606, 74.01 (5), 101.126
3 (1) (intro.), 101.578 (1), 227.01 (13) (ym) and (zi), 285.53 (1) (a), 285.55 (1) and (4)
4 (intro.), 285.63 (10) (a) and (c) 4., 287.01 (2), (5), (6), (8) and (9), 287.07 (1m) (title)
5 and (c), (2), (3), (4) and (7) (a), (b) 1. b., 2. and 3., (bg), (c), (d), (e), (f), (g) and (h), 287.09,
6 287.095, 287.10, 287.11, 287.19 (1) (b) (intro.), 287.21 (intro.), 287.27 (1) and (2),
7 287.91 (2), 287.95 (2) (a) and (b), (3) and (4), 299.51 (1) (a) and (b), 560.12 (1) (ae),
8 560.835 (1) (c) and 895.517 (1) (d) and (2) of the statutes, the repeal of sections 20.370
9 (6) (bq) and 287.23 of the statutes, the renumbering and amendment of section
10 287.07 (8) (a) of the statutes and the creation of section 287.07 (8) (a) of the statutes
11 take effect on July 1, 2001.”.

12 **1218.** Page 1611, line 25: delete that line.

13 **1219.** Page 1612, line 1: delete lines 1 to 4 and substitute:

14 “(5vw) AQUATIC NUISANCE SPECIES. The repeal of section 30.1255 (4) of the
15 statutes takes effect on July 1, 2001.

16 (5vx) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION AND AQUATIC NUISANCES.
17 The repeal and recreation of section 20.370 (5) (cq) of the statutes takes effect on July
18 1, 2001.”.

19 **1220.** Page 1612, line 23: delete lines 23 to 25.

20 **1221.** Page 1613, line 3: after that line insert:

21 “(10n) GROUP FISHING LICENSE. The treatment of sections 29.024 (2g) (a) 1.,
22 29.193 (5) and 29.563 (3) (a) 7m. of the statutes takes effect on the 1st day of the 7th
23 month beginning after publication.”.

24 **1222.** Page 1613, line 6: after that line insert:

1 “(1g) SCHOOL SAFETY PLANS. The creation of section 120.12 (26) of the statutes
2 takes effect on the first day of the 6th month beginning after publication.”.

3 **1223.** Page 1613, line 19: after that line insert:

4 “(1m) The treatment of sections 146.81 (1) (eq), 180.1901 (1m) (bs), 252.14 (1)
5 (ar) 4q., 440.08 (2) (a) 14f., 450.10 (3) (a) 5q., 895.48 (1m) (intro.) and (b) of the
6 statutes and of subchapter VI of chapter 448 of the statutes take effect on the first
7 day of the 13th month beginning after publication.”.

8 **1224.** Page 1613, line 19: after that line insert:

9 “(2c) IRREVOCABLE BURIAL TRUSTS.

10 (a) The treatment of section 445.125 (1) (a) 2. (by SECTION 2923mm) of the
11 statutes takes effect on January 1, 2001.

12 (b) The treatment of section 445.125 (1) (a) 2. (by SECTION 2923mn) of the
13 statutes takes effect on July 1, 2001.”.

14 **1225.** Page 1613, line 24: after that line insert:

15 “(3tx) WINE AND LIQUOR SALES TAX EXEMPTION. The renumbering and
16 amendment of section 139.03 (5) (b) of the statutes and the creation of section 139.03
17 (5) (b) 2. of the statutes take effect on the first day of the 2nd month beginning after
18 publication.”.

19 **1226.** Page 1613, line 24: after that line insert:

20 “(4g) TIME-SHARE PROPERTY. The treatment of sections 77.21 (1), 77.51 (4) (c) 6.,
21 77.52 (2) (a) 1. and 2. and 707.46 (3) of the statutes takes effect on the first day of the
22 2nd month beginning after publication.”.

23 **1227.** Page 1614, line 5: after that line insert:

1 “(7i) CHARTER TOUR BOATS; COMMERCIAL FISHING EQUIPMENT. The treatment of
2 section 70.111 (3) of the statutes takes effect on the January 1 after publication.”.

3 **1228.** Page 1614, line 5: after that line insert:

4 “(7t) SALES TAX ON AUCTIONS. The treatment of section 77.51 (9) (e) of the
5 statutes takes effect on the January 1 after publication.”.

6 **1229.** Page 1614, line 5: after that line insert:

7 “(7fg) TAXABLE SALES. The treatment of section 77.54 (20) (c) 4m. of the statutes
8 takes effect on the first day of the 2nd month beginning after publication.”.

9 **1230.** Page 1614, line 5: after that line insert:

10 “(7g) VENDING MACHINE SALES. The treatment of section 77.54 (20) (c) 6. of the
11 statutes takes effect on July 1, 2001.”.

12 **1231.** Page 1614, line 7: after “(a),” insert “(am),”.

13 **1232.** Page 1614, line 8: on lines 8 and 10, delete “(a) and (c)” and substitute
14 “(a), (b) and (c)”.

15 **1233.** Page 1614, line 9: delete “71.25 (6) (a)” and substitute “71.23 (2), 71.25
16 (5) (a) (intro.), 9. and 10., (6) (a), (am)”.

17 **1234.** Page 1614, line 14: after that line insert:

18 “(8x) HUB TERMINAL FACILITY. The treatment of section 78.55 (1) of the statutes
19 takes effect on January 1, 2000.”.

20 **1235.** Page 1614, line 14: after that line insert:

21 “(7w) INTERNET ACCESS SERVICES. The treatment of section 77.51 (21m) of the
22 statutes takes effect on July 1, 2001.”.

23 **1236.** Page 1615, line 14: after that line insert:

1 “(4c) SALVAGE VEHICLE TITLES. The treatment of sections 342.07 (1) and (2) (a),
2 342.15 (2), (3) and (6) and 342.16 (1) (a), (c) and (d) of the statutes and SECTION 9350
3 (10d) of this act take effect on the first day of the first month beginning after
4 publication.”.

5 **1237.** Page 1617, line 11: delete lines 11 to 13.

6 **1238.** Page 1617, line 16: after that line insert:

7 “(4p) SCHEDULING OF REFERENDA BY LOCAL GOVERNMENTS. The treatment of
8 sections 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 8.065, 9.20 (4), 24.66 (3) (b) and (4), 32.72
9 (1), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46 (1), 62.09 (1) (a), 64.03 (1),
10 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5), 66.504 (2), 66.521 (10)
11 (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4), (5), (6a) (a) 2. a. and (6m) (b), 67.10 (5) (b), 67.12
12 (12) (e) 5., 81.01 (3) (b), 86.21 (2) (a), 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and
13 (2), 121.91 (3) (a), 197.04 (1) (b) and (2), 197.10 (2) and 198.19 (1) of the statutes first
14 applies with respect to referenda called on the effective date of this subsection.”.

15 **1239.** Page 1617, line 16: after that line insert:

16 “(5i) IMPACT FEES, SEWERAGE SERVICE CHARGES, APPROVAL OF PLATS. The treatment
17 of sections 66.076 (5) (a) and (b) and (13), 66.55 (1) (a), (c), (d), (e), (f), (fs), (g) and (h),
18 (2) (a), (am), (b) and (c), (3), (4) (a) (intro.) and 3. and (b), (5) (b), (6) (b), (d) and (g),
19 (7), (8), (9) and (10), 236.13 (2s) and 236.45 (1) of the statutes takes effect on the first
20 day of the 12th month beginning after publication.”.

21

(END)